

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23208 of 2018

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Vijay Kumar Singh, son of Late Jaggnath Singh, resident of village-Umdha
P.O. Fakuli, Police Station-Mufassil, Chapra, District-Saran (Chapra)

... .. Petitioner/s

Versus

1. The Union Of India through the Secretary, Ministry of Defence,
2. The Principal Controller of Defence Accounts (Pensions), Draupadi Ghat,
Allahabad,
3. The Assistant General Manager, Centralised Pension Processing Centre, 4th
Floor, Administrative Office, State Bank of India, Judges Court Road, Patna
&
4. The Branch Manager, State Bank of India, Rajendra College Campus
Branch (R.C.C. Branch), Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Suman Kumar, Advocate
For the Union of India	:	Mr.S.D Sanjay, Addl. Soc. Gen.) Mr. Kumar Priya Ranjan, CGC.
For the SBI	:	Mr. Kaushlendra Kumar Sinha, Advocate.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-01-2019 Heard the learned counsel for the petitioner and the

learned counsels appearing on behalf of the Union of India and

the State Bank of India.

Petitioner who retired/discharged from his duty from
the post of Junior Warrant Officer, Air Force, Jamnagar on
31.05.1985 challenges the letter dated 11.09.2017 as contained
in Annexure-1, letter dated 19.01.2018 as contained in
Annexure-1/1 and by which a sum of Rs.2,94,829/- has been
found to be paid excess of pension on account of wrong date of
birth. The same has been sought to be recovered at the rate of
Rs.8,000/- per month. The petitioner has also challenged



Annexure-2 dated 23.03.2018 by which a recovery has been sought to the tune of Rs.4,68,973/- which includes interest on the incorrect calculated pension.

Counsel for the petitioner submits that as per the Defence Pension Payment Instructions (Defence PPI), 2013 issued by the Office of the Principal Controller of Defence Accounts (Pensions), Allahabad such over payments of pension could not be recovered from the pensionary dues in view of clause 103.2 and the matter had to be referred to the Principal Controller of Defence Accounts (Pensions) before such deductions are made. Since the petitioner retired from the Air Force, the petitioner would ventilate his grievance before the Tribunal constituted for the Air Force Personnels. This Court would not exercise its jurisdiction.

Writ application is disposed of accordingly.

(Nilu Agrawal, J)

B.Kr./-

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