

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21624 of 2018

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Meena Sinha @ Mina Sinha W/o Late Kedar Nath Sinha Flat No. 2/A. Virasat
Hari Niwas, Chandmari Road, Police Station- Kankarbagh, District- Patna-
800020

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna
2. The Principal Secretary, Department of Education, Government of Bihar, Patna
3. State Council for Education Research and Training through its Director, Mahendru, Patna
4. The Director, State Council for Education Research and Training through its Director, Mahendru, Patna
5. The State Bank of India through Assistant General Manager, Centralized Pension Processing Center, 4th Floor, Administrative Office, Judges Court Road, Patna
6. The Assistant General Manager, Centralized Pension Processing Center, 4th Floor, Administrative Office, Judges Court Road, Patna
7. The Branch Manager, Special PBB Patna, State Bank of India, Main Branch Gandhi Maidan, Patna
8. The Accountant and Auditor General Office , Beerchand Patel Marg, Patna-1

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate Mr. Rajeev Shekhar, Advocate
For the State	:	Mr. Rajesh Kr. Sinha, AC to GP-23
For the Bank	:	Mr. Dr. B.B. Sinha, Advocate Mr. Ajay Dutt Mishra, Advocate Mr. Amarjeet Chaudhary, Advocate
For the AG	:	Mr. S.M. Ehtesham, Advocate Mr. Nishant Ranjan, Advocate

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT

Date : 18-04-2019

Heard learned counsel for the petitioner, learned counsel
for the State, learned counsel for the Accountant General, Bihar,
Patna and learned counsel appearing on behalf of the State Bank of
India (hereinafter referred to as the 'Bank').



2. Petitioner seeks quashing of the letters dated 09.08.2018 and 29.09.2018 issued by the respondent-Bank by which recovery has been initiated from the family pension of the petitioner stating therein that on account of wrong data entry in the Bank the date of birth was wrongly recorded as 04.12.1928 although the date of birth as per Pension Payment Order and other relevant documents is 08.05.1945. The date of birth as 08.05.1945 is not disputed by the petitioner.

3. Learned counsel for the Bank has filed a counter affidavit that on account of wrong date of birth the Bank vide two letters, as contained in Annexures 1 and 2 has initiated recovery of excess payment of Rs. 2,01,118=00 which in the counter affidavit the Bank has stated that a sum of Rs. 4506=00 with effect from 01.08.2018 has been recovered by way of monthly installment from the total pension of Rs. 10,810=00 .

4. Learned counsel for the petitioner submits that the monthly installment of Rs. 4,506=00 is excessive as she is an old lady suffering from several diseases.

5. Considering the submissions of the parties, the Bank is directed to recover monthly installment of 1/4th of the monthly pension of the excess amount paid of the petitioner from the month



of May, 2019 onwards till the entire excess amount is adjusted from the monthly family pension payable to the petitioner.

6. The respondent-Bank is directed to forthwith release the monthly family pension admissible to the petitioner after deduction of excess payment as directed above.

7. The writ application is disposed of in terms of the above.

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.04.2019
Transmission Date	NA

