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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 2135 of 2019

Chandra Bhushan Shukla S/o Late Ramachal Shukla, Aged About 70 Years, Ex Upper Division Clerk Under The Office Of Chief Medical & Health Officer, Ambikaspur, Chhattisgarh, Presently residing in Darripara, Ambikapur, District- Surguja, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through- Secretary, Government Of Chhattisgarh, Department Of Home And Family Welfare, D.K.S. Bhawan, Mantralaya, Raipur, Chhattisgarh
2. The Director, Health Services, Chhattisgarh Raipur, Chhattisgarh
3. Divisional Joint Director, Treasury, Accounts And Pension, Akashwani Chowk, Ambikapur, District- Surguja, Chhattisgarh
4. The Collector, Ambikapur, District- Surguja, Chhattisgarh
5. The Chief Medical And Health Officer, Ambikapur, District- Surguja, Chhattisgarh
6. The Treasury Officer, Collectorate Office, Ambikapur, District- Surguja, Chhattisgarh
7. The Branch Manager, State Bank Of India, Centralised Pension Process Centre, Govindapur, Bhopal, Madhya Pradesh

---- Respondents

For petitioner	:	Mr. Sushil Dubey, Advocate
For Respondents 1 to 6	:	Mr. Rahul Mishra, Dy. Govt. Advocate
For Respondent no.7	:	Mr. P. R. Patankar, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/05/2019

1. The challenge in the present writ petition is to the action on the part of respondent no.7 whereby they have deducted substantial portion of pension payable to the petitioner for the period between September, 2018 to February, 2019.
2. This Court, on the previous date of hearing, had directed the counsel for respondent Bank to seek instruction.
3. Counsel for the respondent Bank, on instruction, has brought before the Court a correspondence which reflects that for the period between 01.02.2008 to 31.07.2018, there was certain arrears of payment which was payable to the petitioner amounting to Rs.9,42,371/- and which was also paid to the petitioner. However, inadvertently, the deduction of income tax from the said amount by way of TDS was not done. Subsequently, when this error was detected, as per the agreement and understanding between respondent no.7 and the Govt. of CG, the Bank deducted an amount of Rs.1,26,485/- as TDS amount from the pension payable to the petitioner between September, 2018 to February, 2019.
4. Counsel appearing for the respondent Bank has also produced before this Court a document by which it has been shown that the entire pension payable to the petitioner from March, 2019 (salary of March payable in April) has been paid to him. Counsel for the Bank also undertakes that there would be no further deduction provided the entire TDS has been deducted.
5. Given the said facts and circumstances of the case, since the deduction so made by respondent no.7 was of the income tax amount to be deducted as TDS and the said amount stands deposited with the Income Tax Department, the petitioner if at all if he has any claim for refund of the

same, the petitioner would have liberty to approach the Income Tax Authority for refund of the same in accordance with the provisions of the Income Tax Act.

6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
JUDGE

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