

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6617 of 2019

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Nirmala Panday W/o Late Dr. Madan Gopal Pandey @ Madan Gopal
Resident of Mohalla-Vishnupuri Anishabad P.S. Gardanibag, Dist.-Patna

... .. Petitioner/s

Versus

1. The State of Bihar through accountant General Bihar, Patna
- 1/A The State of Bihar
2. The State Bank of India Gardanibag Branch Patna
3. The District Treasury Officer Bihar, Patna
4. The Deputy Secretary Animal and Fisheries Resources Department of Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anupa Nand Jha
For the Respondent/s	:	Mr. Rishi Raj Sinha (SC19)
For SBI	:	Mr. Sanjay Singh Thakur, Adv.
For the State	:	Mr. Gyan Prakash Ojha, GA-7
For the Accountant General	:	Mr. Purushottam Kumar Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 23-09-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard the parties.

Following relief(s) have been sought for by the
petitioner in the present writ application:

*“1(i) To issue a writ of mandamus
commanding the respondent authorities
to pay the petitioner the entire amount
on behalf of her husband later Dr.*



Madan Gopal Pandey who died in harness in the year, 2009.

(ii) To pay the pension amount of her husband @ 12661 Rs. Per month to the petitioner from November 2008 to 17 February, 2009.

(iii) To further issue a direction to the respondents/authorities to pay the amount aforementioned with interest to the petitioner.

(iv) To direct any other relief or reliefs to the petitioner which the petitioner is found to be entitled or as may be found just and proper by this Hon'ble High Court".

A counter affidavit has been filed on behalf of the State Bank of India (respondent No. 2). Following statements have been made in paragraph-9 of the counter affidavit:-

"(9) That in reply to the averment made in paragraph nos. 8 & 9, it is humbly submitted that the husband of the petitioner was being paid basis pension of Rs. 6,488/- per month till the month of October, 2008. The date of the death of Late Dr. Madan Gopal Prasad, as mentioned in the writ petition is 18-02-2009. The pension of the petitioner was revised vide letter dated 12-10-2012 issued by Respondent No. 1 and accordingly, the Life Time Arrears (herein after referred to as LTA) of the



original pensioner of Rs. 6,41,205/- for the period of 01-02-2003 to 18-02-2011 has already been paid to the petitioner on 12-07-2003. Family pension arrears for the period of 19-11-2011 to 30-06-2013 amounting to Rs. 1,34,514/- only was also paid to the petitioner. A bare perusal of the calculation sheet makes it evident that the payment of LTA from 01-02-2003 to 18-02-2011 and family pension arrears for the period of 19-11-2011 to 30-06-2013, it is evident that the LTA should have been paid only till 18-02-2009 and not till 18-02-2011. The petitioner who has inadvertently received excess payment of LTA till 18-02-2011 and Family Pension was to start from 19-02-2009 and not from 19-03-2011 (meaning receiving of excess pension amount till 19-02-2011 and the same is public money and hence, the petitioner is liable to refund the same to the respondent authorities. Hence, the petitioner is not entitled to payment of LTA from the period 18-02-2009 to 18-02-2011. Furthermore, the answering respondent is under a legal obligation to recover the same as per R.B.I.'s "Master Circular-Disbursement of Government Pension by Agency Banks", dated 01-07-2005, bearing no RBI/2015-1`6/63 DGBA.GAD.No.H-1/31.05.001/2015-16".

Considering the statements made in paragraph-9 of



the counter affidavit filed by the State Bank of India (respondent No. 2) no further order is required to be passed in the present writ application.

If the petitioner is aggrieved from the decision of State Bank of India, she is at liberty to approach before the competent authority with competent jurisdiction for redressal of her grievance if any.

With the aforesaid observation/direction, the present writ application stands disposed of.

(Sudhir Singh, J)

A.K.V.//-

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