

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4285 of 2020

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Shankar Ram Son of Late Nemu Lal (and Late Shanti Devi), Permanent Resident of Salimpur Ahra, Daldali Road, P.S.-Gandhi Maidan, Distrit-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, New Secretariat, Bihar, Patna.
2. The Director, Indira Gandhi Institute of Cardiology, P.M.C.H. Campus, Ashok Rajpath, Patna.
3. The Treasury Officer, Treasury Office, (Collectorate), Patna thorough the District Magistrate, Patna.
4. The Accountant General (Accounts and E), Bihar, Patna.
5. The Chief Manager, Punjab National Bank, Ashok Rajpath, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Suresh Kumar, Advocate
For the State	:	Mr. S.D. Yadav, AAG-9
For PNB Bank	:	Mr. Kumar Priya Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 02-09-2020 Heard Mr. Suresh Kumar, learned counsel

appearing on behalf of the petitioner, Mr. Kumar Priya Ranjan,

learned counsel appearing on behalf of the Punjab National

Bank and Mr. S.D. Yadav, AAG-9, for the State.

The petitioner has filed the present writ application

for the following reliefs:-

- a) A direction upon the respondents to
- take immediate steps for the payment of
- the revised family pension as well as the
- unpaid Gratuity amount of the mother of



the petitioner, namely, late Shanti Devi
forthwith to him inasmuch direction may
be issued to :

(i) The respondent no. 5, the Punjab
National Bank, Ashok Rajpath, Patna
to immediately return the Authority
letter no. PPO No. 200912041770
wrongly sent to it on 16.12.2013 by
the respondent no. 3, the Treasury
Officer (Collectorate Treasury), Patna
but since then has been illegally held
by it;

(ii) Further, to direct the respondent
No. 3, Treasury Officer
(Collectorate Treasury), Patna to
take immediate steps in furtherance
of its letter nos. 133 dated 17.1.2019
and 725 dated 20.4.2019 by which it
requested the PNB to return the
Authority Letter alongwith non-
payment certificates so that
payments be made;



(iii) Further direction to the respondent No. 4, the office of the Accountant General, Bihar, Patna to take steps in furtherance of the memo no. Pen-04 dated 22.9.2017 issued by its Accounts Officer and addressed to the respondent no. 1.

The petitioner is aged about 54 years. After the death of the mother, namely, Shanti Devi, family pension was admissible to the father of the petitioner, namely, Nemu Lal who has died.

The present writ application involves the issue of payment of revised family pension to late Nemu Lal. The petitioner claims that after the death of his father, namely, Nemu Lal, his brothers, namely, Ravindra Ram, Vinod Ram, Pramod Ram and Santosh Kumar authorized this petitioner to receive the family pension, difference of DCR Gratuity amount and other benefits. He placed reliance on the authority letter dated 29.4.2017, Annexure-P/2 to the writ petition.

On behalf of the respondent-Punjab National Bank, in paragraphs 5,6 and 7 of the counter affidavit following stands have been taken:-



“5. That it is submitted that since life certificate of the family pensioner i.e. father of the petitioner was not submitted till grace period i.e. December, 2016, the family pension has been stopped and the same can only be issued if the employer again sanction the same followed by approval by CPPC of the bank.

6. That the account statement of the account holder i.e. pensioner/father of the petitioner is being annexed. The upto date revision of the account holder i.e. father of the petitioner as per received document by the bank has been done. Since the petitioner has given SBI account so any payment to the petitioner regarding retiral dues or revision has to be made by the SBI and not by the PNB.

7. That the AG, Bihar may be requested by the Treasury Officer or the petitioner to issue duplicate PPO so that the revision and retiral dues payment may be credited in the account of the petitioner by the SBI.

The PNB in reply to letter dated 13.3.2020 of the Director in Chief, Health Services, vide letter dated 21.3.2020 has already intimated



that the revised PPO has not been received by the Branch. Copy of the same was sent to the Treasury Officer with request of issuance of duplicate PPO so that payment could be made.”

In view of the above, the Court deems it fit and proper to dispose of the writ application with liberty to the petitioner to approach the respondent No. 2, Director, Indira Gandhi Institute of Cardiology, PMCH, who shall take appropriate step in connection with issuance of revised PPO and payment of arrears of pension admissible to Late Nemu Lal and on consultation with the office of the AG, Bihar, the Director, IGIC, PMCH, Patna will ensure payment to the legal heirs of Late Nemu Lal within a period of four months from the date of receipt/production of a copy of this order.

With the aforesaid, the present writ application stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

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