

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4862 of 2017

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Ram Pyari Devi Widow of Late Laxmi Sharma, R/o Mohalla- Nabiganj, P.O.- Chapra, P.S.- Bhagwan Bazar, District- Saran Bihari Pin- 841301.

... .. Petitioner/s

Versus

1. The Chief Manager State Bank Of India, CPPC-Kolkata 53/1A-Vivekanand road, Kolkata-700006
2. The Chief Manager, State Bank of India, CPPC 4th Floor, Judges Court Road, Antaghat, Patna.
3. The Branch Manager, State Bank of India, R.C.C. Branch, Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shashi Shekhar Tiwary
For the Respondent/s : Mr.Kaushlendra Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 18-05-2020

1. Heard Sri Shashi Shekhar Tiwary, the learned counsel for the petitioner and Sri Kaushlendra Kr. Sinha, the learned counsel for the respondent- Bank.

2. The present writ petition has been filed by the widow-petitioner, seeking a direction upon the respondents for payment of the following outstanding dues pertaining to ex-gratia payment/ family pension :-

(a) Release of Rs. 99902-63328= Rs. 36574 towards differential arrear of ex-gratia payment admissible between January 2006 to November 2014.

(b) Grant of Arrear of Pension admissible between January 2004 to



December 2007.

(c) Refund the amount erroneously recovered from January 2015 onwards.

(d) Release of other admissible dues payable/ admissible in the opinion of this Hon'ble Court.

3. The brief facts of the case are that the husband of the petitioner died on 21.08.1981, after superannuating from Railway Workshop, Lilua, Eastern Railway. After the demise of the husband of the petitioner, the petitioner started getting family pension/ ex-gratia payment, however while being paid the differential arrear of pension, it is the contention of the petitioner that only a sum of Rs. 63,325/- was paid instead of the total outstanding amount of Rs. 99,902/-. The petitioner is stated to have made several representations, however to no avail.

4. The learned counsel for the respondent-Bank, referring to the counter affidavit filed on behalf of the State Bank of India (respondents no. 1 to 3), has submitted that the husband of the petitioner was an employee of Railway Workshop, Lilua, Eastern Railway and he superannuated from the services in due course, whereafter he died on 21.08.1981. It is further submitted that after the death of the husband of the petitioner, pension/ ex-gratia payment was sanctioned in favour of the petitioner. It has also been submitted that after calculation



of the revised arrear payment for the period 01.01.2006 to 30.11.2014, it has been found that the petitioner was paid an excess amount of Rs. 3,848/-, hence recovery has been made from the monthly pension of the petitioner.

5. At this juncture, the learned counsel for the petitioner has submitted that without going into the merits of the case, the present writ petition may be disposed off by granting liberty to the petitioner to approach the competent authority for redressal of her subsisting grievances and the issue of challenge to the aforesaid recovery made by the respondent- Bank be left open in view of the fact that the learned counsel for the petitioner has not received any instructions from the petitioner on account of the prevailing lock-down due to Covid-19 Pandemic. It is further submitted that admittedly, a copy of the counter affidavit filed by the respondents no. 1 to 3 has not been served upon the learned counsel for the petitioner, hence the petitioner is not in a position to rebut the contents of the aforesaid counter affidavit.

6. Having regard to the facts and circumstances of the case and considering the limited prayer of the petitioner to dispose of the present writ petition, as averred and recorded hereinabove, I deem it fit and appropriate to dispose off the



present writ petition with liberty to the petitioner to approach the competent authority for redressal of her subsisting grievances including payment of the differential amount of arrears of ex-gratia payment/ pension and in case, appropriate representation is filed by the petitioner, the same shall be disposed of by the competent authority within a period of four weeks of filing of such representation by the petitioner. It is needless to state that the issue regarding challenge to the recovery made by the respondent- Bank from the monthly pension being paid to the petitioner herein, is left open.

7. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.05.2020
Transmission Date	NA

