

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18898 of 2018

Chinta Devi Wife of late Hawaldar GD Narendra Kumar Ram Resident of
P.O. Gangahar, P.S. Mufassil, District- Bhojpur.

... .. Petitioner

Versus

1. The Union Of India through Secretary, Ministry of Home Affairs,
Government of India, New Delhi.
2. The Deputy Inspector General of Police, Group Centre, CRPF, Rampur,
Uttar Pradesh.
3. The State Bank of India through its Assistant General Manager, Centralised
Pension Processing Centre, 4th Floor, Administrative Office, Judges Court
Road, Patna

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Sarvendra Kr. Verma, Mr. Jai Vardhan Narayan, Advocates
For the Respondents	:	Mr. Awadhesh Kr. Pandey, CGC

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 08-06-2020 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the

respondents.

The petitioner is a widow her husband died in harness
on 21.06.2004.

The petitioner has approached this Court when her
family pension was stopped on the ground that the petitioner has
been paid Rs.7,04,464/- in excess of her entitlement.

Mr. Sarvendra Kr. Verma, learned counsel for the
petitioner would submit that the respondents have arbitrarily
decided to stop pensionary benefits when there is no fraud or
misrepresentation on the part of the petitioner in the matter of



payment of pension. The entire payment was made to the petitioner as per instruction of the Department. Now family pension of the petitioner have been stopped as a result of which the petitioner is facing undue hardship .

From the counter affidavit appears that the Bank has corrected the mistake in making payment of pension instead of family pension to the petitioner.

Be that as it may, the Court is of the view that the petitioner cannot be made to suffer abrupt stoppage of the entire family pension. The husband of the petitioner died in harness and only source of livelihood for the petitioner is family pension. If the respondents have committed any mistake in making regular payment of pension instead of family pension, then they would cause enquiry and thereafter would correct mistake. The respondents are required to take appropriate fresh decision in the matter after deeper enquiry so that the petitioner may not face undue hardship. If on enquiry it transpired that there was conscious decision to pay full pension to the widow then the respondent cannot make any recovery.

The writ application is accordingly disposed of with direction to respondent no. 3 to take a fresh decision after verification of the entire records and if it is found that there was



no fraud or misrepresentation on the part of the petitioner, he shall adopt corrective measures within a maximum period of sixty days from the date of receipt/production of a copy of this order. In the event they found that excess payment has been made due to fault of the Bank and its employees, the Bank may fix instalment for recovery of the same in such a way that the petitioner may not suffer adverse consequences of stoppage of pension. The petitioner should at least receive 50% amount of family pension which may be adequate for her sustenance. The entire exercise shall be completed by respondent no. 3 within a maximum period of sixty days from the date of receipt/production of a copy of this order after affording opportunity of hearing to the petitioner or her representative.

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

(Anil Kumar Upadhyay, J)

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