

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9088 of 2018**

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Arun Kumar S/o Late Ram Lakhan Mahto, R/o Vill.- Dhepura, P.S.-  
Jhanjharpur, District- Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Branch Manager, Central Bank of India Jhanjharpur, District-  
Madhubani.
3. The Treasury Officer, Madhubani.
4. The Accountant General, Bihar, Patna.

... .. Respondent/s

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**Appearance :**

|                      |   |                                |
|----------------------|---|--------------------------------|
| For the Petitioner/s | : | Mr.Prabhas Ranjan, Advocate    |
| For the State        | : | Smt. Shilpa Singh- GA-12       |
|                      |   | Ms. Abhanjali, AC to GA-12     |
| For the Bank         | : | Mr. Ajay Kumar Sinha, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

7      11-11-2020                      Heard learned counsel for the petitioner and the  
  
State as well as the Bank.

The petitioner has approached this Court for quashing  
of the order dated 7.04.2017 as contained in Annexure-4 issued  
by the Branch Manager, Central Bank of India, Jhanjharpur,  
respondent No. 2, whereby Rs. 3,17,000/- is sought to be  
recovered from the account of the petitioner.

Learned counsel appearing on behalf of the petitioner  
would submit that the father of the petitioner was the employee,  
who retired in 2002 and subsequently, died on 16.8.2002. After  
the death of the father of the petitioner, his widow-mother was



paid family pension.

Mr. Ajay Kumar Sinha, learned counsel appearing on behalf of the Bank submits that part of the amount was adjusted but after filing of the writ petition, the remaining part has not been adjusted. He further submits that mother of the petitioner had received excess amount beyond what she was entitled to and therefore, due to mistake the amount credited in the account of the mother of the petitioner, is liable to be recovered as it is public money.

Since the account holder is no more, the Bank cannot recover that amount without following the law. The order as contained in Annexure-4 does not provide for any legal procedure for recovery of the alleged excess amount. Therefore, Annexure-4 cannot be sustained. It is, accordingly, quashed.

In view of the above, the respondents are restrained from making any further adjustment from the account of the petitioner, of course, subject to the outcome of any legal process which may authorize the Bank to adjust the aforesaid amount.

The writ petition is, accordingly, disposed of with direction to the respondents not to make further adjustment or reduction from the account of the deceased mother of the petitioner until any order passed by a competent Court



authorizing the Bank to make further adjustment of the excess amount illegally credited in the account of the petitioner.

With the aforesaid, the writ petition stands disposed of.

**(Anil Kumar Upadhyay, J)**

spandey/-

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