

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14082 of 2019

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Hafeez Abdur Rahman @ Hafiz Abdur Rahman, Male, Aged about 74 years,
Son of Late Abdul Rasid, Resident of Village- Puraini, P.S.- Jagdishpur,
District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Human Resources, Bihar, Patna.
2. The Director, Primary Education, Education Department, Government of Bihar, Patna.
3. The Accountant General (A & E), Bihar, Patna.
4. The District Magistrate, Bhagalpur.
5. The District Education Officer, Bhagalpur.
6. The District Programme Officer (Establishment), Bhagalpur.
7. The Branch Manager, UCO Bank, Main Branch, Bhagalpur.
8. The Branch Manager, UCO Bank, branch located at Puraini District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Najmul Hodda, Advocate
For the State	:	Mr. Prabhakar Jha, G.P.27
For the AG	:	Mr. Rajnandan Prasad, Advocate
For Res. Nos.7 and 8	:	Mr. Ranjeet Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 27-11-2020 Heard Mr. Najmul Hodda, the learned counsel for the petitioner, Mr. Prabhakar Jha, the learned G.P.27, Mr. Ranjeet Kumar Pandey, the learned counsel for the UCO Bank, respondents no.7 and 8 and Mr. Rajnandan Prasad, the learned counsel appearing on behalf of the Accountant General through video conferencing.

The petitioner in this writ petition seeks quashing of Annexure-2, the letter issued by the Branch Manager, UCO



Bank, Baluchak, Puraini, District Bhagalpur by which the Branch Manager requested the petitioner that due to mistake his pension was wrongly revised after 6th Pay Revision and 7th Pay Revision to Rs.9,605/- in place of Rs.8,872/- w.e.f. 01.04.2007 and Rs.24,685/- in place of Rs.22,802/- w.e.f. 01.04.2017 and thereby Rs.1,43,992/- in excess of real amount of pension is credited in the account of the petitioner and, therefore, the petitioner is requested to refund the same.

Mr. Najmul Hodda, learned counsel for the petitioner submits that the petitioner is not disputing that on account of fault on the part of the bank officials after implementation of 6th and 7th Pay Revision, pension of the petitioner has wrongly been fixed to Rs.9,605/- in place of Rs.8,872/- w.e.f. 01.04.2007 and Rs.24,685/- in place of Rs.22,802/- w.e.f. 01.04.2017, but this has not happened on account of the fault of the petitioner, therefore, the petitioner is not liable to refund the amount.

I could not accept this statement of the petitioner. The petitioner was a teacher and being a good citizen he should have refunded the amount if any amount in excess of the amount actually the petitioner is entitled to get in pension is received by him. It appears from perusal of Annexure-D to the counter affidavit that the petitioner appeared before the Branch



Manager, accepted the fact that some mistake is committed in fixing the pension of the petitioner after implementation of 6th Pay Revision and 7th Pay Revision and he also requested the Branch Manager to debit Rs.5000/- each month from his account but in this Court the learned counsel for the petitioner disputed the genuineness of Annexure-D.

Be that as it may, it is admitted that the petitioner on account of some mistake in mathematical calculation by the bank officials received Rs.1,43,992/- in excess of his pension and, therefore, he is legally and morally bound to return the money to the Bank. Thus, I do not find any merit in this writ petition. Accordingly, the writ petition is dismissed.

(Prabhat Kumar Jha, J)

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