

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18520 of 2019

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Nawal Kishore Prasad Sinha Son of Late Damodar Prasad Resident of
Mohalla-B-12, Bari Patandevi Colony, P.O. Gulzarbagh, P.S. Alamganj,
Patnacity, District-Patna-07

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary-cum-Finance Commissioner Finance Department,
Govt. of Bihar, Patna
3. The Director (Press and Stationery) Finance Department, Govt. of Bihar,
Patna
4. The Superintendent Bihar Secretariat Press, Patna
5. The Deputy Superintendent Bihar Secretariat Press, Patna
6. The Accountant General Bihar, Patna
7. The State Bank of India, through Branch Manager, S.B.I., Gulzarbagh
Branch, Patna City, Distt. Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Satya Ranjan Sinha, Adv. Ms. Seema Kumari, Adv.
For the AG	:	Mr. Uday Kumar, Adv.
For the State	:	Mr. Anil Kumar Singh (GP-26)
For the SBI	:	Mr. Kaushalesh Choudhary, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

10 28-01-2020 Heard learned counsel for the parties.

2. The petitioner retired as Sansodhak (Character) while holding a Class-III post in Government Press, Gulzarbagh, Patna with effect from 30.09.2009. Initially his pension was fixed at the rate of Rs. 7,865=00 with effect from 01.10.2009 and authority slip was issued by the office of the Accountant General accordingly. It was subsequently noticed



that the fixation of pension was incorrect and the office of the Accountant General thereafter issued a revised authority slip on 30.10.2018 fixing the petitioner's monthly pension at the rate of Rs. 6,930=00 with effect from 01.10.2009. In compliance with the revised authority slip, the Bank, where the petitioner's pension account was maintained, recovered a sum of Rs. 1,55,598=00 as having been paid to the petitioner in excess to what he was legally entitled to.

3. It is in this background that the present writ application has been filed seeking a direction to the respondents to refund the said amount of Rs. 1,55,598=00.

4. Learned counsel appearing on behalf of the petitioner has relied on a Supreme Court's decision in case of ***State of Punjab vs. Rafiq Masih*** reported in ***(2015) 4 SCC 334*** to submit that since the petitioner was not at fault for incorrect fixation of pension and he retired as Class-III employee, no recovery should have been made, even if the fixation was found to be incorrect, subsequently, by the office of the Account General.

5. I find substance in submission made on behalf of the petitioner. Learned counsel for the State has inform that necessary steps are being taken to ensure that the amount is



refunded to the petitioner.

6. This writ application is accordingly allowed with a direction that let the respondents ensure that the amount is refunded and deposited in the petitioner's pension account within a period of four weeks from the date of receipt/production of a copy of this order. The Treasury Officer, Patna City shall ensure that the said amount is credited in the petitioner's pension account.

7. Learned counsel for the petitioner has further submitted that re-fixation of his pension, whereby the same has been reduced to Rs. 6930=00, is incorrect. He shall be at liberty to question the said fixation before the appropriate forum.

(Chakradhari Sharan Singh, J)

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