

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 267 of 2020**

Smt. Dileshwari Yadav W/o Late Shri Anjor Singh Yadav Aged About 44 Years R/o Quarter No. 11/24, Officer Colony, S.F. Line Bhilai, District Durg Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Home, Mahanadi Bhawan, Mantralaya New Raipur, District Raipur Chhattisgarh.
2. Assistant General Manager, State Bank Of India, Centralized Pension Processing Cell Behind Working Women Hostel, Govindpura, Bhopal Madhya Pradesh. Pin 462023.
3. Branch Manager State Bank Of India, At Office Near Main Chowk, Bhanupratappur, Antagarh Road, Bhanupratappur, District Kanker Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Ajay Shrivastava, Advocate
For State	:	Mr. Ishan Verma, Panel Lawyer
For respective Respondent	:	Mr. P.R. Patanker, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****21/01/2020**

1. The challenge in the present writ petition is to the action on the part of the respondents in withholding of the amount that the petitioner was entitled on the fixed deposit of the petitioner getting matured.
2. The petitioner is getting pension on account of her husband having died in a naxalite operation. It also appears that the petitioner had been as per the bank wrongly granted some amount of excess pension, which she was otherwise not entitled for and therefore the respondents have issued a recovery order for an amount of Rs.13,44,677/-.

3. The petitioner has preferred a writ petition registered as WPS No. 6883/2018 in respect of the said recovery proceedings and there is also a stay granted by this Court on 22.10.2018. Meanwhile, an F.D. which was opened by the petitioner at the respondent-Bank for a period of 8 years stood matured on 02.08.2019 and the respondent-Bank in view of their system known as 'Auto Renewal System' have renewed the same for a further period of 8 years and the maturity amount, which has been invested is Rs.31,47,522/-. The respondent-Bank have withheld the disbursement of the entire amount on account of the pending recovery proceedings against the petitioner.
4. The counsel for the petitioner submits that the petitioner is in dire need of money for the education purpose of her child and therefore the respondent-Bank may be ordered for releasing of the said amount. It was the further contention of the petitioner that the F.D. which was opened by the petitioner has got nothing to do with the recovery proceedings. That the respondents could still recover the same from the pension that would be payable to the petitioner, if the writ petition i.e. WPS No. 6883/2018 finally stands rejected.
5. The counsel for the Bank however submits that it is a case where the petitioner has received an excess payment of over Rs.13.47 lakhs by way of erroneous fixation and it is this amount, which has been ordered to be recovered. The counsel for the Bank also submits that the petitioner has also given an undertaking for carrying of any recovery proceedings, in case, if any erroneous fixation is made,

therefore the action on the part of the Bank cannot be said to be arbitrary or illegal in any manner.

6. Be that as it may, since the original writ petition against the recovery filed by the petitioner i.e. WPS No. 6883/2018 is already pending consideration, any relief, which could be granted to the petitioner can only be subsequent to the final outcome of the said writ petition.
7. At the same time, since the amount lying in the fixed deposit of the Bank is for an amount of more than Rs.31 lakhs and the amount of recovery to be made is only that of Rs.13.47 lakhs, this Court is of the opinion that if the petitioner intends to get the fixed deposit released, she may approach the bank and after completing the requisite formalities, the bank may after withholding an amount equivalent to the recovery to be made, the balance of amount be released to the petitioner.
8. So far as the withheld amount is concerned, the Bank shall ensure that the said amount shall be put in a fixed deposit, which would fetch the maximum rate of interest till the final outcome of WPS No. 6883/2018. The disposal of the present writ petition would not be in any manner prejudicial to the interest of the petitioner, so far as his challenge to the action of recovery is concerned.
9. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge