

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.402 of 2019

In
Civil Writ Jurisdiction Case No.23208 of 2018

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Vijay Kumar Singh, Son of Late Jaggnath Singh, Resident of Village Umdha,
P.O. Fakuli, Police Station-Chapra, District-Saran (Chapra).

... .. Appellant/s

Versus

1. The Union of India through the Secretary, Ministry of Defence, New Delhi.
2. The Principal Controller of Defence Accounts (Pensions) Draupadi Ghat, Allahabad.
3. The Assistant General Manager, Centralised Pension Processing Centre, 4th Floor, Administrative Office, State Bank of India, Judges Court Road, Patna.
4. The Branch Manager, State Bank of India, Rajendra College Campus Branch (R.C.C. Branch), Chapra.

... .. Respondent/s

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Appearance :

For the Appellant/s :	Mr. Suman Kumar, Advocate
For the Respondent/s :	Mr. Dr. K.N. Singh (ASG)
	Mr. Kaushlendra Kumar Sinha, Advocate
	Mr. Sunil Kumar Singh, Advocate
	Mr. Kumar Priya Ranjan, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

Date : 04-09-2021

I.A. No. 01 of 2019

Heard learned counsel for the parties.

This interlocutory application has been filed for
condonation of delay of 10 days in filing the present appeal.

Sufficient reasons has been shown to condone the delay
in filing appeal, accordingly the interlocutory application is

allowed and the delay in filing this appeal is condoned.

I.A No. 01 of 2019 is disposed of.

L.P.A. No. 402 of 2019

Heard the parties.

Being aggrieved by judgement and order dated 11.01.2019 passed in C.W.J.C. No. 23208 of 2018 passed by learned Single Judge of this Hon'ble Court, appellant/petitioner has preferred this L.P.A.

Briefly stated the facts of the case is that appellant had filed writ petition against the order of recovery on account of excess payment made by the Bank due to wrong feeding of date of birth of appellant in the data base.

Appellant has relied upon various circulars issued by the Principal Controller of Defence Accounts according to which, no recovery can be made from the pension amount without its permission, as such, respondent nos.1 and 2 are necessary parties in the proceeding and no effective order can be passed in their absence in such view of the matter the order passed by learned Single Judge that appropriate forum for adjudication of the relief prayed by the appellant shall be the Armed Forces Tribunal and jurisdiction of other courts to entertain any service dispute of Armed Forces personnel is

barred under the Act.

After hearing counsel for the parties and considering the materials available on records, this court does not find any error or infirmity in the order passed by the learned Single Judge requiring any interference by this Court.

There is no merit in the L.P.A. and is accordingly dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA