

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9444 of 2017

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Ram Bhajan Rai, son of Late Mahavir Rai, resident of Village- Chaksalem,
P.O. and P.S.- Patori, District- Samastipur.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Home Affairs, New Delhi- 1100001.
2. The Director General, Sashatra Seema Bal (SSB), under Ministry of Home Affairs, R.K. Puram, New Delhi- 110022.
3. The Inspector General, SSB, Vijaynagar, Patna- 800001.
4. The D.I.G., SSB, Muzaffarpur- 842001.
5. The Senior Accounts Officer, Zonal Pay and Accounts Office, SSB, M.H.A., B-1/25, Sector-5 Aligarh Luckhnaw (U.P.)- 202001.
6. The Pay and Accounts Officer, Central Pension, Accounting Office, Ministry of Finance, Trikoot-II, Bhikhaji Cama Place, R.K. Puram, New Delhi- 110066.
7. The Commandant, 20th Bn., SSB, Arifpur, Pak Tola/Sitamarhi, Bihar- 843302.
8. The Deputy Commandant 20th Bn., SSB, Arifpur, Pak Tola/Sitamarhi, Bihar- 843302.
9. The Manager, State Bank of India, Patori Branch, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Mishra, Adv
For the Respondent/s	:	Mr. S.D Sanjay Addl. Soc. Gen.
		Mr. Ravindra Kumar Sharma, Adv
		Mr. Kaushalesh Choudhary, Adv
		Mr. Arjun Kumar Sharma, Adv

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL ORDER

17 24-08-2021 This matter has been taken up for hearing

online because of COVID-19 pandemic restrictions.

2. The petitioner retired on attaining the age of

superannuation with effect from 30.06.2007 as Head



Constable under *Sashatra Seema Bal*. He has filed this writ application seeking a direction to the respondents to pay arrears of retiral benefits and restraining them from making deduction from the amount which the petitioner is legally entitled to, as also provide him the benefits of pay-revision introduced by the Central Government. This is not in dispute that pension payment order was issued on 03.09.2009 at the rate of a sum of Rs. 5935 + D.A.

3. It transpires from the pleadings on record, that more amount was being credited for some time in the pension account of the petitioner maintained at Patori Branch, Samastipur, of State Bank of India, than he was actually entitled to. When it was noticed by the bank, remedial measures were taken. When the petitioner noticed that less amount of pension was being credited in his account than what was earlier being credited, raising a grievance that suddenly his pension amount has been reduced without any notice, he has approached this Court by filing the present writ



application.

4. Counter affidavits and supplementary counter affidavits have been filed on behalf of *Sashatra Seema Bal* and the State Bank of India.

5. It has been stated in the supplementary counter affidavit filed on behalf of the *Sashatra Seema Bal* that in terms of 6th CPC, the petitioner's pay was revised. He had drawn pay in the pay band of Rs. 9476/- and Grade Pay Rs. 2400/-. Accordingly, his revised pension papers were processed for issuing revised pension payment order. His basic pension was fixed at Rs. 5935/-. He got his pension commuted to the extent of Rs. 2374/- and accordingly his reduced pension after commutation was fixed as Rs. 3561/-.

6. In the supplementary counter affidavit filed on behalf of the State Bank of India, it has been stated that 41 percent D.A was admissible under 5th CPC. However, after introduction of 6th CPC, the rate of D.A was fixed at 9 percent, but because of clerical mistake in



calculation on the part of the bank, the D.A at the rate of 41 percent was credited in the petitioner's account and accordingly, the D.A was calculated as Rs. 2275 instead of Rs. 535/-. This resulted into payment of a sum of Rs. 71,898/- in excess in his pension account to what the petitioner was entitled to. Consequently, a sum of Rs. 15,123/- was adjusted and rest of the amount i.e. Rs. 56,775/- was found recoverable from the petitioner. It is further stated that the aforesaid mistake was detected by the bank in April, 2010 and thereafter the bank started deducting Rs. 1500/- per month from the pension of the petitioner from April, 2010 which continued till April, 2013 and in the month of May, 2013, a sum of Rs. 1268 was deducted and thus, a total amount of Rs. 56,768/- paid in excess to the petitioner against the pension, has been recovered. It has been clarified in the counter affidavit that the petitioner has received the amount of commutation and therefore, the petitioner's monthly pension has been reduced to Rs.



4239/-.

7. The State Bank of India has given in its counter affidavit, the details of the calculation of the amount of pension, medical allowance and dearness allowance which are now being credited in the petitioner's pension account. It has also been stated that the benefits of 7th CPC has also been given to the petitioner following which his pension has been revised at the rate of Rs. 15,700/- with effect from 01.01.2016 and after reduction of a sum of Rs. 2374/- towards commuted pension, he is getting his basic monthly pension at the rate Rs. 13,326/-.

8. In view of the averments made in the counter affidavit filed on behalf of the *Sashatra Seema Bal* and the State Bank of India, it is evident that it was clearly out of a clerical mistake because of which the petitioner received, for some time, more amount against pension than that he was actually entitled to. The petitioner was not entitled to such amount of pension in



accordance with the pension payment order as was credited in his account for certain period of time as disclosed in the counter affidavit filed on behalf of the State Bank of India.

9. Considering the clear stand taken by the State Bank of India in the counter affidavit, in my opinion, no case of interference is made out.

10. This application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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