

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.320 of 2018

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Smt. Kanti Devi wife of Late Ravindra Kumar Singh, Moh- Rajendra Nagar,
Road No.- 13 'B', P.O. Rajendra Nagar, P.S.- Sultanganj, Patna, presently
residing at Railway Quarter No. 503, Railway Officers' Colony Digha,
Opposite Digha Thana, Patna- 800012.

... .. Petitioner

Versus

1. The Branch Manager, Central Bank Of India, Zonal Head Quarter/Office,
Block-B, 2nd Floor, Maurya Lok Complex, Dak Banglow Road, Patna-
800001.
2. The Branch Manager, Central Bank of India, Patliputra Path, Rajendra
Nagar Branch, Patna- 800016.
3. The State of Bihar through Principal Secretary Dept. of Water resources
Govt. of Bihar, Patna.

... .. Respondents

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Appearance :

For the Petitioner : Mr. F.R. Mallick
Mr. Sanjesh Kumar Singh
For the State : Mr. Sanjay Prasad, AC to AAG-4
For the Bank : Mr. Ajay Kumar Sinha
Mr. Apurv Shaerye, Advocates.
For the Accountant General: Dr. Anand Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 25-02-2021

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The following reliefs as formulated by the petitioner
have been claimed in the writ petition –

*“(i) For issuance of appropriate writ of ‘MANDAMUS’ for
directing and commanding the respondent authorities i.e.
Central Bank of India, Rajendra Nagar Branch, Patna-
800016, Bihar (respondent no. 2) not to deduct any amount
from the family pension of the petitioner, namely, Smt.
Kanti Devi widow of late Ravindra Kumar Singh, as the*



same is being deducted by the authorities of the Bank without any jurisdiction and valid reasons and for issuance of other writ(s), direction (s), order(s) in the facts and circumstances of the case.

(ii) For issuance of appropriate writ(s) thereby directing the Bank namely, Central bank of India, Rajendra Nagar Branch, Patna-800016, Bihar to refund the deducted pension with interest.

(iii) For grant of Rs. 50,000/- on account of legal expenses which has been meted out by the petitioner in the instant litigation.

(iv) For grant of any other relief (s) which the petitioner may be entitled to in the facts and circumstances of the case.”

3. Having heard learned counsel for the petitioner as well as the respondent-Bank, this Court is of the view that it may not be necessary to consider the detailed merits and rival contentions of the parties at this stage. It is not in dispute between the parties that the Bank commenced deduction from the monthly pension being paid to the petitioner, without however any prior show cause notice or opportunity being granted to the petitioner in this behalf. Such deduction without prior opportunity has therefore resulted in violation of natural justice.

4. Accordingly and with the consent of the parties, the present petition is disposed of with liberty to the respondent-Central Bank of India to issue a show cause notice to the petitioner for proposed deduction. If any such show cause notice is issued



within a period of two weeks from today, the petitioner may submit his reply within a further four weeks thereafter. The respondent-Bank shall, upon expiry of the stipulated period, pass a speaking order having regard to the petitioner’s response, if any, and pass final order within a further period of three weeks thereafter. In the meantime, no further deduction shall be made by the respondent-Bank and any deductions already made shall abide by the final order to be passed by the respondent Bank as stated above.

5. The writ petition stands disposed of with the aforesaid observations and directions.

(Vikash Jain, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	01.03.2021
Transmission Date	N.A.

