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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1035 of 2021

Smt. Amla Acharya, W/o Late P. C. Acharya, Aged About 91 Years R/o E W
S-77, Housing Board Colony, Jagdalpur, District Bastar Chhattisgarh

---- Petitioner

Versus

1. State Bank Of India, Through Its Chairman, State Bank Of India,
State Bank Bhawan, Madame Cama Marg, Mumbai Maharashtra
2. Assistant General Manager, Centralized Pension Processing Cell.
Behind Working Women Hostel, Govindpura, Bhopal Madhya
Pradesh
3. The Branch Manager, State Bank Of India, Main Branch Jagdalpur,
Near Kotwali, Jagdalpur, District Bastar Chhattisgarh
4. Union of India, Through: the Secretary, Ministry of Health & Family
Welfare, New Delhi (India)

---Non-Applicants

For Petitioner	:	Mr. Shashank Thakur, Advocate
For Respondents-Bank	:	Mr. P.R. Patankar, Advocates
For Respondent No.4	:	Ms. Purnima Singh, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

26/03/2021

1. There is an oral request made by the counsel for the petitioner for
permission to amend the cause title to the extent of adding the Union
of India, the employer of the deceased employee as a necessary
party to the writ petition.
2. The limited oral request was not opposed by the counsel for the
Bank. Accordingly, the oral request stands allowed. Let necessary
amendment be carried out during the course of the day itself.

3. Mr. P.R. Patankar, Advocate enters appearance for the respondents No. 1 to 3. Ms. Purnima Singh, Advocate the Panel Lawyer for the Union of India present in the Court is directed to enter appearance on behalf of the newly added Union of India (respondent No.4).
4. The grievance of the petitioner in the present writ petition is the action on the part of the respondents-State Bank in issuing an order of recovery to the tune of Rs.2,46,662/-. The said amount of recovery seems to be made on the basis of the alleged excess payment of family pension made to the petitioner. The respondents have ordered for recovery of the said amount at a monthly installment of Rs. 3510/- that is 1/3rd of the family pension which is being provided to the petitioner.
5. The facts of the case is that the petitioner's husband late P.C. Acharya was working as a Nursing Assistant (Male) with the Department of Health and Family Welfare, Government of India (Dandakaranya Project) at Jagdalpur. The husband of the petitioner superannuated on attaining the age of superannuation on 02.12.1985. Thereafter the employee was getting his regular pension in accordance with the Rules.
6. Down the line the husband of the petitioner got expired and thereafter the family pension was started to be paid to the petitioner herein. The petitioner has been receiving the pension, however it appears that on account of some dispute in respect of the date of birth of the present petitioner, the respondents-State Bank found the petitioner to have received some excess payment under the old age pension scheme and which the respondents-State Bank have now

ordered for recovery of the same by ordering for recovering the same at a monthly installment of Rs.3510/- per month.

7. According to the learned counsel for the petitioner, the action on the part of the respondents is not proper and justified for the reason that there is no dispute or error on the date of birth of the petitioner as per the records available with the petitioner, whereas according to the petitioner, she is also around 90 years of age, however the date of birth of the petitioner is not available with the writ petition.
8. The learned counsel appearing for the State Bank submits that the whole dispute can be resolved if the employer i.e. the respondent No.4 can provide a fresh PPO showing the date of birth of the petitioner as was available from the office records or in the alternative the petitioner can produce cogent authentic documents in support of her actual date of birth and the amount of recovery, which has been ordered by the Bank can also be recalculated and appropriate orders and steps can be taken for redressal of the grievance of the petitioner.
9. Given the said factual backdrops and the submissions made by the counsel for the parties, the writ petition at this juncture stands disposed of firstly directing the respondent No.4 to immediately make available the date of birth of the petitioner (widow of the employee) as is available from the office records (if any) to the respondents-State Bank at the earliest preferably within a period of 4 weeks. Simultaneously, the petitioner also is directed to approach the respondent No.2 and provide cogent authentic document to substantiate her actual date of birth with which the respondents-

Bank can also proceed further in accordance with law and redress the grievance of the petitioner within a further period of 4 weeks from the date of receipt of the documents from the petitioner also. In the event if on recalculation there is any variation in the amount of recovery to be made, appropriate steps be taken at the earliest.

10. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved