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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.19134 of 2021

and

W.M.P.Nos.20426 and 20427 of 2021

R.Veeraiyan

..Petitioner

Vs.

1. The Assistant General Manager,
State Bank of India,
Centralized Pension Processing Centre,
No.112/4 Kaliyamman Koil Street,
Virugambakkam, Chennai - 600 092.

2. The Branch Manager,
State Bank of India,
M.K.B.Nager, 10-A/4,
1st Cross Road, M.K.B.Nager
Chennai - 600 039.

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for records relating to the order of the 1st respondent made in No.CPPC_CHE/CEN-CIVIL/20085421679 dated 27.07.2021 to quash the same.

For Petitioner

: Mr.L.Chandrakumar

For Respondents

: Mr.B.Raghavulu Naidu

ORDER

This writ petition has been filed against an order passed by the first respondent dated 27.7.2021 seeking to recover an amount of Rs.10,28,174/- being the alleged excess payment of pension failing which the amounts lying in the STDR accounts of the petitioner will be set off and adjusted towards overpayment.

2. The learned counsel appearing for the respondents submitted that the petitioner executed a letter of undertaking on 30.06.2016 in favour of the Branch Manager of second



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respondent SBI, MKB Nagar Branch and agreed and undertook to refund and or make good any amount which he is not entitled or any amount which may be credited to his account in excess of the amount to which he was entitled. It is submitted that the petitioner further undertook and agreed to bind himself to indemnify the second respondent Bank for any loss, suffered or incurred by the Bank while crediting amount into his pension account under the scheme and agreed to forthwith pay the same back to the bank and also irrevocably authorised the second respondent bank to recover the amount due by debiting the said account or to any other account / deposit belonging to him in the second respondent bank.

3. It is further submitted that as repayment of monthly instalment of Rs.10,922/- will not be possible in view of the recovery to be effected from the pension account towards recovery of excess payment of Rs.10,28,174/-, the second respondent bank may be permitted to set-off the dues towards the loan account of Rs.4,52,230/- from the said STDRs and the surplus amount of Rs.1,85,509/- can be permitted to be adjusted towards the excess payment of Rs.10,28,174/- which is to be refunded to Government of India and the balance sum of Rs.8,14,102/- may be permitted to recover from the monthly pension account as the rate of Rs.4,561/- per month from October 2021 pension and balance pension amount Rs.9,123/- may be permitted to be withdrawn by the Petitioner from October 2021 pension.

4. Recording the above averments in the counter affidavit filed on behalf of the respondents and the submissions of the learned counsel for the petitioner and the respondent, it is ordered as follows:

(i) The respondents shall be entitled to adjust amount lying in STDRs towards outstanding loan amount.

(ii) The balance amount after such adjustment shall be partially adjusted towards the outstanding amount of Rs.10,28,174/- wrongly credited to the account of the petitioner.

(iii) The balance of excess amount credited into the pension account of the petitioner shall be recovered at the rate of Rs.4,561/- per month.

(iv) The respondents shall credit Rs.9,123/- to the account of the petitioner.

(v) Any increase in the pension amount such as



Disciplinary Proceedings, etc., shall be adjusted towards the outstanding.

5. The respondents shall proceed in terms of the above undertaking. This Writ Petition stands closed in terms of the above undertaking of the respondents which stands recorded. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

rgm/adl

To

1. The Assistant General Manager,
State Bank of India,
Centralized Pension Processing Centre,
No.112,4 Kaliyamman Koil Street,
Virugambakkam, Chennai - 600 092.
2. The Branch Manager,
State Bank of India,
M.K.B.Nager, 10-A/4,
1st Cross Road, M.K.B.Nager
Chennai - 600 039.

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.53064

W.P.No.19134 of 2021
and
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KV(CO)
RGA(17/11/2021)