

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1103 of 2021

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Sri Abdul Karim Son of Gani Mohammad, Resident of House NO. 56 KA,
Railway Gumti No. 106, near N.H.-28, Bariya, P.O.-Kolhua Paigambarpur,
P.S.-Ahiyapur, District-Muzaffarpur-843108.

... .. Petitioner/s

Versus

1. The Union of India through the Chairman, Ministry of Communication and Information Technology, Department of Tele Communication, New Delhi.
2. The Principal Controller Communication Accounts, Kolkata, 8 Hare Street, Telephone House, Kolkata-700001.
3. The Controller of Communication Accounts Bihar Circle, C.C.A. Building Sanchar Parisar, Budh Marg, Patna-800001.
4. The General Manager, Deptt. of Tele Communication, Muzaffarpur.
5. The Chief Manager, Centralised Pension Processing Cell, SBI, Patna-800001.
6. The Assistant General Manager, Centralised Pension Processing Centre, SBI Administrative Building, 4th Floor Zonal Office, Judge Court Road, Patna-800001.
7. The Branch Manager, State Bank of India, Red Cross, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mahesh Prasad, Advocate
For the Respondent/s	:	Dr. K. N. Singh, ASG
		Mr. Shyamal Krishna Sinha, Advocate
		Mr. Mukind Jee, Advocate
		Mr. Rakesh Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 22-04-2022

Heard learned counsel for the respective parties through
virtual court proceedings.

2. In the instant petition, petitioner has prayed for the
following relief/reliefs:

“(i) For issuance of the appropriate
writ/writs in the nature of mandamus directing and



commanding the respondent concerned for refund of the illegal recovered amount of Rs. 9,88,063/- to the SBI, Muzaffarpur (00138) Accounts No. 10876136780/PPO no. deduction from the pension account of a retired employee is contrary to the Swamy's C.C.S.(Pension) Rules, R-61 (6) and the settled Principal of Law in the Dharampal Singh Case by the Hon'ble Punjab and Haryana high Court and the Rafiq Masih case vide 2015 (4) SCC 334 by the Hon'ble Supreme Court.

(ii) For issuance of the appropriate writ/writs in the nature of certiorari by setting aside the alleged telecom department letter no. CCABR/3-PEN/161756 DT 001216 due to excess DA amount paid and the RBI Master Circular No. RBI/2017-15/1DGBA, GBD No.1/31.5.001/2017-18 dated 01.07.2017 contained in letter no. CPPC/AGM/GEN/TELE/BK/2020-21/135 dated 22.05.2020 issued by the respondent no. 5. This letter is illegal, arbitrary and malicious as the pensionary benefits are sanctioned after a proper calculation and verification vide Annexure 3 to this petition.

(iii) For any other relief or reliefs and interest on the illegally recovered amount with the compensation which the petitioner be found entitled to be granted as he has unnecessarily been dragged into and harassed and in the interest of Natural justice.”

3. Undisputed facts are that petitioner was an ex employee of B.S.N.L. He had certain grievance in respect of service conditions. Therefore, remedy for B.S.N.L officers/employee is before the jurisdictional Central



Administrative Tribunal in the light of Section 19 of the Administrative Tribunals Act, 1985 read with *L. Chandra Kumar vs. Union of India and Others* reported in (1997) 3 SCC 261.

4. Accordingly, the present petition stands disposed off, reserving liberty to the petitioner to approach jurisdictional Central Administrative Tribunal.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	27.04.2022
Transmission Date	

