

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11482 of 2018

- 1.1. Asha Devi Wife of Late Harish Chandra Prasad Resident of Belthu, P.O.- Harkut, P.S.- Sahkhund, Dist- Bhagalpur.
- 1.2. Nitesh Kumar Son of Late Harish Chandra Prasad Resident of Belthu, P.O.- Harkut, P.S.- Sahkhund, Dist- Bhagalpur.
- 1.3. Abhilasha Devi Daughter of Late Harish Chandra Prasad Resident of Belthu, P.O.- Harkut, P.S.- Sahkhund, Dist- Bhagalpur.
- 1.4. Anjula Kumari Daughter of Late Harish Chandra Prasad Resident of Belthu, P.O.- Harkut, P.S.- Sahkhund, Dist- Bhagalpur.
- 1.5. Dimple Kumari Daughter of Late Harish Chandra Prasad Resident of Belthu, P.O.- Harkut, P.S.- Sahkhund, Dist- Bhagalpur.

... .. Petitioner/s

Versus

1. The Union of India through the Chief Secretary, Govt. of India, New Delhi.
2. Senior Divisional Security Commissioner, Railway Police Force R.P.F., Eastern Railway, Malda.
3. Divisional Security Commissioner, Railway Police Force R.P.F., Eastern Railway, Sealdah.
4. Senior Divisional Finance Manager, office of the Divisional Rail Manager D.R.M., Malda.
5. Assistant Security Commissioner, Railway Police Force R.P.F., Jamalpur
6. Divisional Electric Engineer, Eastern Railway, Sealdah
7. Senior Section Electric Engineer SEE/EMU Car Shed, Rana Ghat, Eastern Railway. (WB)
8. Secretary, Eastern Railway Employee co-operative Bank Ltd.10, Strand Road, Kolkata West Bengal-700001
9. Kundan Kumar, Helper-II Electrical, S/o Late Balmiki Passwan. (Ex. Head Constable, R.P.F.), EMU Car Shed, Rana Ghat, Eastern Railway Under Sr. SEE/EMU Car Shed, Rana Ghat, Eastern Railway-741201
10. Smt. Rambha Devi W/o Late Balmiki Paswan, R/o Village P.O.- Ghorghat, P.S.- Bariyarpur, District- Munger 811211

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar Sinha, Advocate
For the Respondent/s	:	Mr. S.D. Sanjay Addl. Soc. Gen.
For U.O.I.	:	Mr. Ratnesh Kumar (C.G.C.)
	:	Mr. Kautilya Kr. Prasad, J.C. to C.G.C.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH



ORAL ORDER

22 28-06-2022 The present writ petition has been filed for payment of a sum of Rs. 1,31,271/-, which has been withheld from the retiral dues of the original petitioner namely Late Harish Chandra Prasad who had retired while working as a Head Constable in R.P.F. on 30.11.2015 and had subsequently, died on 08.02.2016.

It is the contention of the respondent- Bank that one Late Balmiki Paswan, Ex-Head Constable, R.P.F. had taken a loan of a sum of Rs. 99,000/- from the respondent- Bank, to which the original petitioner of the present case had stood as a guarantor, however, since the said late Balmiki Paswan had died without repaying the loan in full on 08.02.2016, recovery has been sought to be made from the guarantor i.e. the original petitioner of the present case and accordingly, a sum of Rs. 1,31,271/- has been deducted from the retiral benefits of the original petitioner.

It is also the contention of the respondent- Bank that the son of late Balmiki Paswan namely Kundan Kumar (respondent no. 9 herein) was appointed on compassionate ground after the death of his deceased father namely late Balmiki Paswan and he has also appeared before this Court.

The learned counsel for the respondent no. 9 Md.



Harun Quraishi, Advocate submits that in case, easy installments are fixed, the respondent no. 9 shall liquidate the outstanding loan amount.

The learned counsel for the respondent- Bank has also agreed to the aforesaid proposition and submits that easy installments would be fixed, which would be deducted from the salary being paid to the respondent no. 9 every month.

Having regard to the facts and circumstances of this case, this Court finds that the outstanding amount *qua* the loan taken by late Balmiki Paswan has already been quantified to the tune of Rs. 1,31,271/- and this amount is required to be recovered from the respondent no. 9, hence the same is directed to be recovered from the respondent no. 9 in 50 installments, to which, the learned counsel for the respondent- Bank as also the learned counsel for the respondent no. 9 have no objection.

Accordingly, it is further directed that the aforesaid sum of Rs. 1,31,271/- be refunded to the petitioners forthwith.

The writ petition stands disposed off on the aforesaid terms with the agreement of the parties.

(Mohit Kumar Shah, J)

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