

M/L 29  
05.08.2022  
sb  
Ct 23

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE

**WPA 9131 of 2022**

Smt. Jharna Chakraborty  
Vs.  
State Bank of India & Ors.

Mr. Ranjan Kali,  
Mr. Chitrak Biswas  
.... For the petitioner.

Mr. Subrata Kumar Sinha,  
Mr. Debashis Saha,  
... For State Bank of India.

Mr. Sourav Mondal  
... For the respondent no.2.

The petitioner is the widow of a deceased employee of Government of West Bengal. After the death of the petitioner's husband, the petitioner was receiving family pension from the State Government through the State of India (in short, SBI), wherein the petitioner's pension account is maintained. The petitioner say that all on a sudden by a letter dated 15<sup>th</sup> February, 2022, SBI has alleged that the petitioner has overdrawn a sum of Rs.9,71,184/- between the period 6<sup>th</sup> June, 2007 and 31<sup>st</sup> December, 2021. The SBI, therefor, has sought to recover the said sum from the current family pension of the petitioner.

The issue regarding the action of the SBI cannot be decided in isolation without considering the role of the State Government being the employer, the family pension payment order and the revision thereto from time to time.

Admittedly, the petitioner's husband was a State Government employee and, as such, under section 3(q) of the Administrative Tribunals Act, 1985 read with section 15 and 28, denudes the jurisdiction of the High Court to receive, try and adjudicate the instant writ petition as the writ petition cannot be simpliciter maintained against SBI without the State Government a necessary, proper and effective party.

The writ petition, therefor, is dismissed as withdrawn with liberty to the petitioner to file afresh on the selfsame ground before the competent forum, if permissible in law.

**(Arindam Mukherjee, J.)**