

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17698 of 2016

- 1.1. Dr. Ashok Kumar Anand, son of Late Chaturbhuj Singh, resident of A/5 Ram Rekha Path, Chitragupta Nagar, Kankarbagh, P.S.-Patrakar Nagar, District-Patna.
- 1.2. Kumar Amar son of Late Chaturbhuj Singh, resident of A/5 Ram Rekha Path, Chitragupta Nagar, Kankarbagh, P.S.-Patrakar Nagar, District-Patna.
- 1.3. Asha Kumari Wife of Sri Awdhesh Kumar Singh, resident of Ashray Mahesh Apartment, Pandu Kothi, P.S.-Krishnapuri, Boring Road, Patna.
- 1.4. Anita Devi, Wife of Sri Kameshwar Singh, resident of Pahari Chak, Sonpur, P.S.-Sonpur, District-Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director Admn.-cum-Additional Secretary, Education Department, Bihar, Patna.
3. The Deputy Secretary-Cum-Dy. Director Adm., Education Department, Government of Bihar, Patna.
4. The Treasury Officer, Patna Bihar,.
5. The Accountant General (A & E), Bihar, Patna.
6. The Punjab National Bank, Kankarbagh Branch, Patna through its Manager.
7. The Chief Manager, CPCP, Punjab National Bank, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Kant Singh, Adv.
For the State	:	Mr. Madhaw Prasad Yadav, GP-23 Ms. Meera Singh, AC to GP-23
For the Bank	:	Mr. Mritunjay Kumar, Adv.
For the AG	:	Dr. Anand Kumar, Adv. Mr. Ramesh Gupta, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 04-12-2022

Heard Mr. Krishna Kant Singh, learned counsel for
the petitioners, Mr. Madhaw Prasad Yadav, learned counsel for
the State, Mr. Mritunjay Kumar, learned counsel for the Punjab



National Bank and Mr. Ramesh Gupta, learned counsel for the Accountant General, Bihar.

2. The original petitioner, who was superannuated on 31.01.1987 from the post of Teacher in Patna Collegiate School, Patna, has filed the present writ petition for a direction upon the concerned respondents to ensure the full pension, without making any deduction from it, as the same has been done on wrong notion, apart from without any notice or opportunity of hearing at the fag end of his life.

3. Various affidavits have been filed on behalf of the respective parties to the writ petition. However, finally the amount, which is said to have been wrongly deducted by the Bank concerned, has been paid pursuant to the order of this Court.

4. Mr. Singh, learned counsel for the petitioners, submits at the Bar that admittedly an amount of Rs.2,51,656/- has been deducted from the account of the original petitioner, but only an amount of Rs. 2,45,436/- has been credited in his account. Thus, irrespective of the entitlement of the petitioner to the tune of Rs.2,51,656/-, he has not been paid remaining Rs.6,226/-.

5. At this juncture, learned counsel for the Bank, fairly



submits that an amount of Rs.6,226/- shall be paid to the petitioners within a period of two weeks.

6. Learned counsel for the petitioners further submits that similar mistake has been occurred for further three months, wherein the petitioners have been paid the pension in the reduced amount, which is also required to be paid at the level of the respondent/State through the Bank, which is the pension disbursing authority. He next submits that the revised pension authority slip has also been issued but till date, the Treasury Officer as well as the Authorities of the Bank have not acted upon.

7. Considering the limited submission of the petitioners, who are the legal heirs, substituted after the death of the original petitioner, the writ petition stands disposed of with a direction to the respondent no.4, the Treasury Officer, Patna, as well as respondent no.7, the Chief Manager, CPCP, Punjab National Bank, Patna, to look into the grievance of the petitioners and ensure all the admissible dues along with the arrears of pension, preferably within a period of four weeks from today in accordance with law.

8. At this juncture, learned counsel for the petitioners, submits that from the record, it appears that the delay has



occurred on the part of the respondent authorities and thus in such circumstances, the petitioners/legal heirs are entitled to get interest over the delayed payment but the same has not been done. He thus prays to file a proper representation before the concerned respondent(s) to consider the interest over the delayed amount and pass appropriate order.

9. They are permitted to do so.

10. Needless to observe that the matter is of 2016 and till date on account of the laches on the part of the respondent/State as well as the Bank Authorities, the original petitioner/legal heirs have been deprived from the fruits of his/their entitlement. Thus, in case of any defiance of the order, this Court will constraint to pass appropriate order against the erring official(s).

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05-12-2023
Transmission Date	

