

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9984 of 2023

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Mol Prasad Singh @ Moul Prasad Singh S/o- late Vajir Singh @ Wajir Singh,
Resident of Village- Tuniyahi Ward No. 06, P.S.- Madhepura, District-
Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar Through Chief Secretary Government of Bihar, Patna.
2. Registrar General, Central Office, Central Bank of India, At- Chandramukhi Nariman Point Mumbai, 400001.
3. Chief Manager, Central Bank of India, At- New Dak Bungalow road, 42 B, Patna Bihar 800001.
4. Regional Manager, Regional Office, Central Bank of India, Koshi Chowk, District- Saharsa.
5. Branch Manager, Central Bank of India, District- Madhepura.
6. The Accountant General (A and E), Bihar, Patna.
7. The District Treasury Officer, Madhepura at Collectriate, Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rupesh Kumar, Advocate
For the Respondent/s	:	Mr. Nawal Kishor Singh, AC to GP-26
For the Bank	:	Mr. Satish Kumar Pandey, Advocate
For A.G.	:	Mr. Bindhyachal Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 12-12-2023 Heard Mr. Rupsh Kumar, learned counsel appearing on behalf of the petitioner and Mr. Satish Kumar Pandey, learned counsel for the Central Bank of India. The State is represented by Mr. Nawal Kishor Singh and Mr. Bindhyachal Rai for the Accountant General.

2. The petitioner who superannuated from the post of Panchayat Sevak on 13.12.2001, has filed the writ petition seeking a direction upon the respondent bank to restore the full commuted pension of petitioner w.e.f. 15.11.2017, which is the



completion date for commuted pension of Rs. 1,164/- per month and has been deducted from the basic pension of the petitioner through its Central Bank account no. 1529915228; and further to direct the respondents to restore the basic pension of the petitioner after calculating the commuted pension of Rs. 1,164/- per month.

3. Referring to the letter of the treasury officer it is submitted on behalf of the petitioner that despite the realization of loan amount which came to an end on 15.11.2017, his original pension has not been restored till date.

4. A counter affidavit as well as supplementary counter affidavit has been filed on behalf of the respondent authorities of the Central Bank of India. For the purposes of proper appreciation of the matter, this Court thinks it proper to quote paragraph nos. 5 to 8 of the supplementary counter affidavit, which clearly demonstrate that the original pension of the petitioner has been restored w.e.f. 15.11.2017. The averments also suggests that the petitioner has also been accorded the benefit of arrears of revision of pension w.e.f. 01.04.2017 to the tune of Rs. 90,289/-.

*“5. That, **it is admitted fact** that the petitioner had commuted his pension of Rs.1164/-. Hence, as per "COMMUTA-*



*TION ORDER" dated-16-08-2002 of the Accountant General (A & E)-II, Bihar, Patna bearing memo no.-9/PR-143/CVP-128(2002-03) **(attached with the writ petition at page no.- 24)**, the amount of Rs.1,46,105/-(one lakh forty six thousand one hundred five rupees) was paid to the petitioner and his pension of amount Rs.1164/- per month was reduced/commuted for 15 years from the starting date of commutation i.e. 16-11-2002. As such the commutation of his pension was started on 16-11-2002 and the total amount given Still to the petitioner has been recovered till 15-11-2017. As such, 5-11-2017 was the **restoration date of the commutation of the pension of the petitioner.***

*6. That, with regard to the order dated-03-10-2023 of this Hon'ble court, it is submitted that as per "COMPLETE PENSIONER ENQUIRY REPORT" dated-25-09-2023 of the petitioner**(Annexure-A2 attached with the counter affidavit at page-13)**, the commutation of pension of the petitioner was started since 15-11-2002 and restored on 15-11-2017 **(mentioned at page-14 of Annexure-A2)**. It is also submitted that summary of the payment of the pension of the petitioner since 01-02-2018 to 01-08-2023 is mentioned **(at page-14 to 15 of***



Annexure-A2 attached with the counter affidavit).

*It is further submitted that the details of the payment of the pension of the petitioner since 01-02-2018 to 01-08-2023 is mentioned **(at page-15 to 19 of Annexure-A2 attached with the counter affidavit).***

7. That, so far as letter dated-22-06-2023 sent by the Branch Manager, CBI, Madhepura and sent to the Senior Treasury officer, Madhepura attached as Annexure-R-B, page-11 with the counter filed by the respondent no.7, is concerned, the said letter clearly states that the commuted pension of the petitioner was to be restored on 15-11-2017 but due to technical fault the same was restored on 01-12-2017 as such the amount for the fraction period of November/2017 could not be paid.

8. That, it is further submitted that the **above said due amount** for 15 days from 16-11-2017 to 30-11-2017 has been adjusted and paid to the petitioner when and during revision of the pension (since-01-04-2017) of the petitioner vide authority letter no.- 15/RV7300819158900/348500P4 dated- 20-09-2019. As such, being the arrear amount from 01-04-2017 to 30-11- 2019



*of Rs.83264.00/- plus DA Rs.7025.00/-.
Total Rs.90289/- has been paid and
credited in the account of the petitioner
in December-2019 and the same has
been accepted by the petitioner at the
time of payment. (Attached at page-19
with the counter affidavit filed by the re-
spondent no.-7)''.*

5. Referring to the aforesaid statements, the learned counsel for the Bank submits that the original pension of the petitioner has already been restored soon after this settlement of loan on 15.11.2017 and moreover, the petitioner has also been allowed the arrears of pension to the tune of Rs. 90,289/- and, as such, the grievance of the petitioner has been redressed.

6. Considering the averments made in the counter affidavit as well as supplementary counter affidavit as also the statement of account explained therein, this Court is satisfied that the original pension of the petitioner has already been restored and no further indulgence is required.

7. Accordingly the present writ petition stands disposed off.

(Harish Kumar, J)

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