

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16129 of 2022

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Gita Devi W/o Late Deep Narain Singh R/o Village-Garhara, Ward No.13,
E.C. Railway Colony 163K Garhara, Begusarai, Garahara, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Bihar, Patna.
2. Chairman, State Bank of India, Nariman Point, Mumbai.
3. Accounts Officer, Pension C.A.D. Danapur.
4. Divisional Finance Manager, East Central, Danapur.
5. General Manager, State Bank of India, Gandhi Maidan, Patna.
6. Assistant General Manager, State Bank of India, C.P.P.C., Gudges Court Road, Patna.
7. Chief Manager, Centralized Pension Processing Centre, J.P. Road, Anta Ghat, Patna.
8. Divisional Railway Manager, Eastern Railway, Danapur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms.Mallika Mazumdar, Advocate
For the Respondent/s	:	Mr.Kumar Samarjeet, AC to SC 21
For CGC	:	Ms.Poonam Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 05-10-2023

Heard Ms. Mallika Mazumdar, learned counsel
appearing on behalf of the petitioner; Mr. Kumar Samarjeet,
learned AC to SC 21 for the State and Ms. Poonam Kumari,
learned counsel for the CGC.

2. The present writ petition has been filed by a widow of deceased employee, namely, Late Deep Narain Singh, who had superannuated from Class IV post of the Organization. The petitioner is aggrieved by the action of the Bank, which has proceeded to reduce the family pension substantially for the



reasons that during the course of documentation of the pension payment, the husband of the petitioner (deceased employee) had submitted “Letter of Undertaking” to the effect that in case of any excess pension payment, the bank has right to adjust/recover the excess pension amount.

3. Ms. Mallika Mazumdar, learned counsel appearing on behalf of the petitioner submits that the action of the Bank in reducing the pension of the petitioner without giving any notice is not only in violation of the principle of natural justice, but also the action is contrary to the several circulars of the Reserve Bank of India issued from time to time with regard to excess pension amount and its recovery method.

4. Learned counsel further submits that the petitioner is the widow of a class IV employee, namely, Late Deep Narain Singh and the action of the Bank in recovering any excess amount is against the law laid down by the Apex Court in the case of *State of Punjab & Ors. Vs. Rafiq Masih (White Washer) & Ors.* reported in *2015 (4) SCC 334* and *Thomas Daniel Vs. The State of Kerala & Ors.* reported in *2022 SCC Online SC 536*.

5. Learned counsel further submits that this Court in the case of *Nagendra Prasad Vs. The Union of India & Ors. (CWJC No.13166 of 2017)* after taking into consideration the circulars of



the Reserve Bank of India issued in the year, 2015, 2016, 2017 and 2018 has held that the recovery of excess amount particularly from the account of a poor lady can not be appreciated in view of the law laid down by the Apex Court. Pension is not a bounty or a gratis that is granted to the pensioner or to the spouse of the pensioner as family pension. The following observations have been made in paragraph nos.24 to 30 of judgment dated 24.03.2023 passed in the case of *Nagendra Prasad Vs. The Union of India & Ors. (supra)*, which would be relevant in the present case as well.

“24. The law as on date is well settled that the pension is not a bounty or a gratis that is granted to the pensioner or the spouse of the pensioner as a family pension. In the present case, the bank has not disclosed the amount what has been earmarked by the respondent no.5 during the aforesaid period about how much pension had been credited in the account of the petitioner.

25. This Court finds that the bank has not only breached the agreement entered into between the Union of India and the bank but also at the same time has put the petitioner in great destitute by their illegal action.

26. This Court would rely upon the judgment of the *High Court of Karnatka passed in WP No.20321 of 2021 dated 27th of October, 2022 in the case of Smt. Vimala Ramanath Pawar Vrs. Senior Manager, Centralized Pension Processing Centre, General Administration Wing, Canara Bank, Bengaluru*. The Hon’ble Court has observed *inter alia* at paragraph no.11 as under: -

“11. For the aforesaid reasons, I pass the following

O R D E R



(I) Writ Petition is allowed.

(ii) A mandamus shall issue to the respondent/Bank to re-credit the amount that is recovered i.e., Rs.6,40,000/- or whatever, from the account of the petitioner, within two weeks from the date of receipt of a copy of this order and also pay appropriate pension without any deductions on this issue.

(iii) The Bank is at liberty to recover Rs.1,000/- every month from the family pension of the petitioner till the alleged excess amount deposited in the account of the husband of the petitioner gets cleared.”

27. It is made clear that the only fact, which has been found to be different from the present case is that the case which has been referred hereinabove the bank had recovered the entire amount allegedly excess amount from the account of the writ petitioner of the said case at one stroke.

28. This Court finds that the fact of the present case is similar to the above case, in which, in paragraph no.11, the Court has observed :

“That the petitioner is not an employee of the bank, he has only his account in the bank and the pension is deposited rightly in the CPPC and Union of India has not paid any excess pension to the husband of the Petitioner. It is the irresponsibility of the officers of the bank, which has led to such over payment. Therefore, generating balance in the facts and circumstances of the case becomes necessary”.

29. This Court finds that apart from the mandamus which has been issued in paragraph no.11 of the aforesaid judgment, the petitioner must be credited back the amount in his Account



No.0725000300158832, which he has been received as pension from his employer respondent no.5 taking into account the pass book of the petitioner showing the details of the amount credited in the Account No.0725000300158832 issued by the Punjab National Bank, Koilwar Branch, Koilwar.

30. If the petitioner finds it proper, he may make detailed representation in support of his claim before the authority concerned of the respondent bank, who is required to credit the amount in the account of the petitioner, as mentioned above within a period of two weeks from the date of receipt of the order of this Court.”

6. Learned counsel in the above background seeks to file a detail representation before the Assistant General Manager, State Bank of India (respondent no.6) for redressal of the grievance of the petitioner.

7. Mr. Prabhat Ranjan, learned counsel appearing on behalf of the State Bank of India informs this Court that the representation of the petitioner will be disposed of, in the light of judgment passed in the case of *Nagendra Prasad Vrs. The Union of India & Ors.* (supra). He further informs that the said judgment has not been challenged before any higher forum of this Court.

8. Considering the rival submissions of the parties as well as the judgment passed in the case of *Nagendra Prasad Vs. The Union of India & Ors.* (supra), the petitioner, if so advised, may file a detail representation before the General Manager,



CPPC/Pension/Recovery 2022-23, State Bank of India, who is directed to redress the claim as prayed for in the present writ petition in accordance with the judgment passed in the case of *Nagendra Prasad Vrs. The Union of India & Ors.* (supra), within a period of four weeks from the date of filing of the representation.

9. In case the relief(s), as prayed for in the present writ petition, is allowed, the entire amount, which has been recovered, is directed to be returned back in the bank account of the petitioner so that the petitioner may not face any hardship and destitute of poverty.

10. With the above observation/direction, the present writ petition is disposed of.

(Purnendu Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.10.2023
Transmission Date	NA

