

Item No.22
23.09.2024
Court. No. 9
GB

W.P.A. 15558 of 2024

Basudeb Ghosh

Vs.

The General Manager, State Bank of India & Ors.

*Mr. Samrat Choudhury,
Mr. Abhijit Bhattacharyya*

...for the Petitioner.

*Mr. Debasis Saha,
Mr. Hemraj Adhikari,
Mr. Avirup Roy Sanyal,
Ms. Sucheta Pal*

...for the State Bank of India.

*Mr. Imtiaz Ahamad,
Mr. Sankar Paul,
Ms. Kumari Shipra Roy*

...for the Respondent No.6.

1. In the order dated September 9, 2024, 'W.P.A. 15556 of 2024' be corrected as 'W.P.A. 15558 of 2024'.
2. Let the correction be incorporated by the department and the same be treated as a part of the earlier order. Rest of the order dated September 9, 2024 remains unaltered
3. The petitioner is retired army official. The respondent no.6 is his estranged wife. A proceeding under Section 125 of the erstwhile Code of Criminal Procedure had been initiated by the respondent no.6 and maintenance at the rate of Rs.18,000/- along with arrears was directed to be paid. The petitioner contends to have been paying the amount regularly.
4. The petitioner is aggrieved by the action of the State Bank of India, Dignagar Branch, which debit froze

the account of the petitioner on the complaint lodged by the respondent no.6.

5. The respondent no.6 alleged that at the time of retirement, the petitioner was supposed to supply a joint account to the employer and instead, the petitioner supplied a single account, pretending the same to be a joint one. This was contrary to the service rules. Such illegal act was only to deprive the wife and the child.
6. It appears that the employer, that is, the army authorities had asked the petitioner to show cause upon receipt of such complaint and the petitioner had replied. In the meantime, acting on the wife's request, the bank debit froze the account, but repeatedly requested the army authorities for a no objection so that the account could be made operational. By a letter dated July 12, 2024, the Captain, Record Officer for OIC Record, informed the bank as follows:-
 - “1. Refer your branch letter No.BMSL/2024-25/13 dated 10 May 2024.
 2. It is intimated that no correspondence has been made by this office with your office for freezing the bank account in r/o No 14649026M Ex Nk Basudeb Ghosh.
 3. It is also submitted for information that a marital Dispute Certificate duly signed by the individual and countersigned by the Commanding Officer, 9 Corps

Zone Wksp has already been furnished by the unit of the individual to consider of single bank account in lieu of joint bank account to release his pensionary benefits. Hence, the request of the individual is to be considered as per his option furnished through Dispute Certificate please.”

7. Thus, the employer does not have any objection to the bank defreezing the account. If any incorrect information was furnished by the petitioner, the employer had the authority to proceed against the petitioner in accordance with law. The document which is mentioned hereinabove and the dispute certificate which is annexed as P/4 to the writ petition indicates that the request of the petitioner to submit a single bank account details in lieu of joint bank account details for AGI Maturity Benefits, was allowed. The bank was accordingly informed by the employer.
8. Under such circumstances, the wife’s complaint cannot be a ground for the bank to continue to keep the account as inoperative. The bank will defreeze the account. The petitioner will continue to comply with the order of the court granting maintenance.
9. Accordingly, the writ petition is disposed of.
10. Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)