

15 06.05.2024

Ct-08

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MAT 1771 of 2023

with

IA No. CAN 1 of 2023

Basana Ganguly

Vs.

Union of India & Ors.

Mr. Mrinmay Kumar Sahu

... For the Appellant

Mr. Abhishek Banerjee

Ms. Parna Roy Choudhury

Ms. Payel Ghosh

... For the Respondent Bank

Mr. Kaustav Chandra Das

... For the Respondent no. 1/

Union of India

1. We have heard the learned counsel appearing for the parties.

2. It appears that due to lack of information excess amount towards family pension has been credited to the present petitioner. The present petitioner is a widow. She seems to have received family pension from January 2022, although her husband expired on 1st May, 2021.

3. It is submitted on behalf of the appellant that the respondent bank was informed about the demise of her husband on 7th May, 2021. Accordingly, the bank had paid the amount. Admittedly, the writ petitioner is not entitled to family pension at the rate to which her husband was entitled to during his life. She would be entitled to a reduced pension amount. However, keeping in mind that it might be distressing for the

widow to refund the amount credited to her account in excess, we permit the bank to release the family pension from February, 2022 after deducting one-third of the pension amount till the excess amount is released. The statement of account with regard to such realization shall be supplied to the petitioner month by month.

4. All the arrears amount shall be released within fortnight from date till April, 2024 upon adjustment. The pension for the month of May 2024 shall be released within the aforesaid time. The future pension amount shall be paid by 7th of each succeeding month.

5. In view of the above, the appeal stands disposed of.

6. In view of disposal of the appeal, nothing remains to be decided in the application for stay being CAN 1 of 2023 and the same is accordingly disposed of.

7. However, there shall be no order as to costs.

8. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Soumen Sen, J.)

(Uday Kumar, J.)

