



WEB COPY



W.P.No.17706 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.17706 of 2021
and
W.M.P.No.18870 of 2021

A.Hemalath

... Petitioner

Vs

1. The Assistant General Manager,
State Bank of India,
Centralized Pension Processing Centre,
Virugambakkam, Chennai – 93.
2. The Branch Manager,
Thirumangalam Branch,
386, East Manin Road,
Thirumangalam, Chennai – 101.
3. The Branch Manager,
Thiru Vi Ka Nagar Branch,
A46, Karthikeyan Road,
Jawahar Nagar,
Perambur,
Chennai – 82.
4. The Senior Accounts Officer,
Pay and Accounts Office,
Health and Family Welfare,
C-2-C, Rajaji Bhavan,
Besant Nagar, Chennai – 90.

... Respondents



W.P.No.17706 of 2021

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records in Letter CPPC ZOCHÉ dated 03.07.2021 by the first respondent and quash the same consequently to direct the respondent to raise the set on hold to the petitioner's saving account No.62453188224 in the second respondent branch and Fixed Deposit 62508197012 with the third respondent branch.

For Petitioner : Mr.B.Manoharan

For Respondents : Mr.B.Raghavulu Naidu (for R1 to R3)

ORDER

This Writ Petition has been filed challenging the order passed by the first respondent dated 03.07.2021 and for consequential direction to the respondent to raise the set on hold to the petitioner's saving account No.62453188224 in the second respondent Bank and Fixed Deposit No.62508197012 with the third respondent Bank.

2. The petitioner was joined as Nurse in Royapuram Central Government Hospital and she was attained superannuation on 29.02.2016. Thereafter, she was ordered pension receiving through her Savings Bank



W.P.No.17706 of 2021

WEB COPY

Account in the second respondent/Bank from May 2016. The petitioner has also deposited of her money to the tune of Rs.10,00,000/-. When the petitioner intended to withdraw the said amount, the second respondent had informed that her account was seized and she is receiving pension of Rs.7,654/-. She was not permitted to withdraw the said amount, which was deposited by her. Further, the petitioner was informed that the Fixed Deposit of Rs.10,00,000/- withhold along with her Savings Bank Account for excess payment by the Bank Officials mistakenly.

3. On a perusal of the counter-affidavit filed by the first to third respondents, it reveals that the petitioner was ordered to pay pension at Rs.24,345/- after her retirement. The said pension was paid on the basis of Sixth Pay Commission. The Seventh Pay Commission came into force on 01.03.2017. As per the revised pension of the petitioner was paid a sum of Rs.35,563/- as pension. The petitioner was paid an excess amount of Rs.16,17,346/-. Therefore, the said amount has to be recovered. Admittedly, the petitioner was paid excess amount. In fact, the petitioner was also duly informed by the communication dated 23.07.2021. The petitioner had also



W.P.No.17706 of 2021

promised to pay by lump sum amount of Rs.8,00,000/- immediately and the balance amount by monthly installments. The respondent/Bank has exercised its right of lien to the extent of Rs.3.5 lakhs in the Savings Bank Account and the petitioner will be permitted to operate her Savings Bank Account with the remaining balance amount in the account. Accordingly, a sum of Rs.12,00,000/- was adjusted and the petitioner failed to pay the remaining amount.

4. The said excess amount was not made by applying any wrong principle. It was occasioned on account of an inadvertent error committed in a purely banking transaction while computing the Dearness Allowance which the petitioner aware, but had conspicuously failed to disclose till it was found of the respondents. Therefore, the petitioner could not resist its lawful recovery. While pending the Writ Petition, the respondents filed a memo of calculation. In view of the above, this Court finds no infirmity or illegality in the order passed by the first respondent and the Writ Petition is devoid of merits.



W.P.No.17706 of 2021

WEB COPY

5. Accordingly, this Writ Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

24.04.2024

Index:Yes/No
Neutral Citation/Yes/No
kv

To

1. The Assistant General Manager,
State Bank of India,
Centralized Pension Processing Centre,
Virugambakkam, Chennai – 93.
2. The Branch Manager,
Thirumangalam Branch,
386, East Manin Road,
Thirumangalam, Chennai – 101.
3. The Branch Manager,
Thiru Vi Ka Nagar Branch,
A46, Karthikeyan Road,
Jawahar Nagar,
Perambur,
Chennai – 82.



W.P.No.17706 of 2021

4. The Senior Accounts Officer,
Pay and Accounts Office,
Health and Family Welfare,
C-2-C, Rajaji Bhavan,
Besant Nagar, Chennai – 90.



WEB COPY



W.P.No.17706 of 2021

G.K.ILANTHIRAIYAN, J.

kv

W.P.No.17706 of 2021

24.04.2024