

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.48 of 2021

In
Civil Writ Jurisdiction Case No.6865 of 2020

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Md. Aslam Son of Late Md. Akhtar, Resident of House No. 72, Near-Pond,
Bishanpur, Hakimabad, P.S.-Mofassil, P.O.-Bishanpur and District-
Samastipur.

... .. Petitioner/s

Versus

1. Bank of India, through its Chief Managing Director, Bank of India, Star House, C-5,-Block, Bandra Kola Complex, Mumbai-400005.
2. The Manager, Bank of India Centralized Pension Proceeding Centre, 2nd Floor, Bank of India Building Kings Way, Nagpur-440001.
3. Branch Manager Bank of Inida, Main Vbranch, Samastipur, Bihar.
4. Zonal Railway Manager (Appointment) East Central Railway, Samastipur, Bihar.
5. Financial Advisor and Chief Account Officer, East Central Railway, Hajipur, Vaishali, Bihar.
6. Account Officer, Railway Unit, East Central Railway, Samastipur, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mohammed Abu Haidar, Advocate
For the Opposite Party/s : Mr. Mithilesh Kumar Rai, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 03-07-2025 Heard the parties.

2. The present petition has been preferred for the
following relief(s):

*“for reviewing the order/judgment dated
23.12.2020 passed by HMJ Chakradhari Sharan
Singh (as his lordship then was) in CWJC No. 6865
of 2020.”*

3. The petitioner preferred the writ petition



challenging the direction given by the respondent by which taking note of the fact that the petitioner, a Railway employee was entitled to Rs. 14,936/- as pension amount instead of Rs. 30,874/-, direction was given for returning the extra amount.

4. The writ Court took note of the fact that the petitioner has received Rs. 9,38,000/- (approx) over and above the pension amount, which he was legally entitled to.

5. However, since there was no misrepresentation on his part, it was an error committed by the Bank, upon the undertaking given by the petitioner that he shall not resist if one-third of the said amount is allowed to be recovered by the Bank instead of entire amount, the writ petition was disposed of with the aforesaid direction to realize only one-third of the amount and for their own fault, the Bank has to bear the loss.

6. The Court went a step further and recorded that no party including the Railway Administration shall raise any further dispute with the Bank who shall revise the rate of recovery from the petitioner's pension as per the present order.

7. Despite the said undertaking given by the petitioner that he is agreed to let the Bank realize one-third of the extra amount, the present review petition.

8. It is not the case of the petitioner that they exceeded



what was recorded by the writ Court. Certainly, it is an ill advised petition and the Court wanted to dismiss it with cost. However, taking note of the fact that the petitioner is a retired personnel and the matter relates to pension amount, it refrains from doing so.

9. The review petition stands dismissed.

(Rajiv Roy, J)

Adnan/-

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