

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10268 of 2025

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Mahendra Kumar Sinha Son of Late B K P Sinha, Resident of First Floor,
West Magistrate Colony, 22 A, Ashiyana Nagar, District - Patna 800025
(Bihar).

... .. Petitioner/s

Versus

1. The State Bank of India Through its Chairman, State Bank of India, Corporate Office, State Bank Bhavan, Madam Cama Road, P.O. Box 12, Mumbai- 400021.
2. The Deputy General Manager, Pensioners Management, State Bank of India, Corporate Office, State Bank Bhavan, Madama Cama Road, P.O. Box 12, Mumbai- 400021.
3. The General Manager, State Bank of India, Local Head Office, West Gandhi Maidan, Patna - 800001.
4. The Assistant General Manager (Pension Provident Fund and Gratuity), State Bank of India, Local Head Office, 8th Floor, West Gandhi Maidan, Patna- 800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Milind Raj Dixit, Advocate
For the Respondent/s : Mr. Sanjiv Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-07-2025 Learned Counsel for the petitioner and learned
Counsel for the State Bank of India are present.

2. The present writ petition has been filed by the
petitioner with the following reliefs:-

*A. For issuance of an appropriate
writ, order or direction, quashing the action
of recovery of Rs.3,55,000/- (Rupees three
lakhs fifty five thousand only) dated
30.11.2023 as null, void and illegal in light
of the decision of the Hon'ble Supreme*



Court in the case of State of Punjab & Ors Vs. Rafiq Masih (White Washer & Ors) (2015) 4 SCC 334 and directing the respondents to refund the total recovered amount of Rs.3,55,000/- to the petitioner along with statutory interest and compensation.

B. For further issuance of any other appropriate relief(s) as this Hon'ble Court deems fit in the interest of justice, fairness and equity."

3. Learned counsel for the petitioner submits that the petitioner was employee of the Bank, who retired from service in the year 2015, but ignoring the law of the land, recovery of Rs.3,35,000/- has been made from his PF account, bearing No.1823884. Counsel submits that he retired in 2015 and recovery has been made in the year 2023. Counsel submits that recovery could not be made in the light of judgment of Hon'ble Supreme Court in the case of **State of Punjab & Others Vs. Rafiq Masih (White Washer & Others)** reported in **(2015) 4 Scc 334**.

4. Learned Counsel for the Bank, on the other hand, submits that petitioner had taken advance loan from PF, which he did not return, and due to mistake done by the Bank Officials, the said advance could not be adjusted.



5. It transpires to this Court that petitioner has filed representation vide Annexure-P/7 which petitioner had sent by speed post.

6. In this view of the matter, it is directed to the respondent Bank that they shall take a decision on the representation of the petitioner by way of a reasoned order within 90 days from the date of receipt/production of a copy of this order.

(Dr. Anshuman, J)

Mkr./-

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