
(2019) 12 JH CK 0269

In the Jharkhand High Court

Case No : Writ Petition (S) No. 6089 Of 2018

Bindeshwar Prasad Paswan

APPELLANT

Vs

State Of Jharkhand And Ors

RESPONDENT

Date of Decision : 18-12-2019

Acts Referred:

Citation : (2019) 12 JH CK 0269

Hon'ble Judges : Dr. S.N. Pathak, J

Bench : Single Bench

Advocate : A.K. Sahani, Rajesh Kumar, Amit Kumar, Manindra Kumar Sinha

Final Decision : Disposed Of

Judgement

1. Heard counsel for the parties.

2. Petitioner has knocked door of this Court for quashing the order/observation, as contained in Memo No. 167/16-17, 183/16-17 and 1073, dated

04.06.2016, 22.06.2016, 11.09.2017, 14/19.06.2018 and 27.06.2018 respectively, passed by the respondent no. 7. Petitioner has further prayed for

quashing the letter issued under Memo No. P/1/295, dated 24.11.2018 (Annexure- 10) as well as the Letter No. CPPC/ AGM/ ARB/ CC/93/ 2018

â?" 19, Dated 01.02.2019 (Annexure-12), issued by the Assistant General Manager. Petitioner has further prayed for a direction upon the respondents

not to realize/ recover any amount already paid to him on account of notional promotion or any other amount paid by the Jharkhand Government and

further to refund back the amount, if already deducted.

3. This case has got a chequered history. Petitioner preferred writ petition i.e. W.P.(S) No. 4737 of 2010 raising grievances in relation to payment of

arrears of pension for the period 01.07.1999 to 30.06.2009 amounting to a sum

of Rs.1,55,331/-. During pendency of the writ petition, grievances of the petitioner were redressed. However, petitioner was aggrieved by non-payment of interest but the same was rejected by this Court. Petitioner,

thereafter preferred L.P.A. No. 280 of 2015 and the Hon'ble Division Bench, after giving direction to the petitioner, observed as under:

5. Let the petitioner submit a complete calculation viz-a-viz interest component still due to him to the respondent-Bank within two weeks.

The respondent-Bank shall thereafter, verify the calculation and if the petitioner is found entitled to the interest component keeping in view

any circular/ guidelines in vogue, the interest on the delayed payment of arrears of pension shall also flow towards the petitioner.

When grievance of the petitioner towards interest part was not redressed, he preferred Contempt Case (C) No. 532 of 2016. During pendency of the

said Contempt Case, the respondents Bank passed an order rejecting his claim holding that petitioner is not entitled for interest and on the

contrary, it was held that the dues have already been paid to him and some excess amount paid to him has to be recovered from his monthly pension

till final recovery of the amount. In view of order passed by the respondents Bank, the Contempt Application was dropped with a liberty to the

petitioner to challenge the two orders passed by the respondents i.e. orders dated 04.06.2016 and 11.09.2017.

4. Petitioner, thereafter, filed W.P.(S) No. 6901 of 2017 challenging the orders dated 04.06.2016 and 11.09.2017, passed by the respondents which

was heard and disposed of on 01.10.2018 directing the petitioner to file representation before the competent authority i.e. Assistant General Manager,

State Bank of India, CPPC, Patna. The respondents, in turn, were also directed to consider representation of the petitioner in accordance with law as

expeditiously as possible and within a period of four weeks. It was clearly observed that for a period of six weeks, recovery be not made from the

accounts of the petitioner for realization of the excess payment made towards revised pension under 6th pay revision and depending upon the decision

so taken, the CPPC/ the respondent Bank State Bank of India would be free to recover the amount in instalment.

5. It is case of the petitioner that the respondents Bank has now come out with a letter dated letter issued under Memo No. P/1/295, dated

24.11.2018 (Annexure-10) whereby he has been intimated about recovery of Rs.1,19,275.00 from his fixed deposit. Being aggrieved by the impugned action of the respondents, petitioner has preferred this writ petition.

6. The main contention of Mr. A.K. Sahani, learned counsel appearing for the petitioner is that respondents â€" Bank has made out a case that an amount of Rs.1,19,275/- has been paid in excess to the petitioner and credited in his pension account, which is totally erroneous and needs interference by this Court. Learned counsel by throwing challenge to the said order of the Bank, submits that nowhere a calculation chart has been furnished to the petitioner as to what is the actual amount which has been paid to the petitioner on account of 6th Pay Revision and on account of notional promotion or by way of any excess amount. Respondents are recovering the amount for which petitioner is not liable. Learned counsel further argues that the only amount which is alleged to be excess is the difference of amount by way of 6th Pay Revision for 15 months, which comes to about Rs.82,000/-.

Since neither petitioner nor the respondents â€" Bank have furnished any chart calculating the amount as to what amount has been deducted from account of the petitioner by way of excess amount, it would be desirable if a direction is made to approach before respondent no. â€" 7 [The Assistant General Manager, State Bank of India, CPPC, Patna].

7. Learned counsel appearing for the respondents does not object to the submission and submits that if petitioner approaches before the respondent no. 7 on a fixed date, he shall be given personal hearing and thereafter appropriate order shall be passed based on records.

8. Be that as it may, considering fair submission of parties, petitioner is directed to approach before the respondent no. â€" 7 [The Assistant General Manager, State Bank of India, CPPC, Patna] in his office on 16.01.2020 at 12:30 p.m. and the respondent no. 7, in turn, shall give personal hearing to the petitioner. Petitioner shall be at liberty to raise his grievances by producing the calculation chart, if any. It is made clear that if it is found that petitioner has received any excess amount, the same shall be deducted from his account. However, if it is found that petitioner has not received any excess amount and recovery has been illegally made from his account and which is in teeth of order of this Court dated 01.02.2008, passed in the earlier writ petition filed by the petitioner i.e. W.P.(S) No. 1502 of 2002, the

same shall be refunded to him without any delay and no further deduction shall be made from his account. Let the entire exercise be completed within a period of six weeks from the date of representation of the petitioner before the competent authority.

9. With the aforesaid observations and directions, this writ petition stands disposed of.

10. Let a copy of this order be handed over to respondents.