

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

LPA No. 47 of 2013

Date of Decision 29<sup>th</sup> November 2013

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*The Assistant General Manager (PPG)*

*....Appellants*

*Versus*

*M.K. Anand*

*....Respondent*

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*Coram*

The Hon'ble Mr. Justice Dev Darshan Sud, J.

The Hon'ble Mr. Justice Dharam Chand Chaudhary, J.

Whether approved for reporting?<sup>1</sup> No.

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For the Appellants:

Mr. K.D. Sood, Sr. Advocate with  
Mr. Mukul Sood, Advocate..

For the Respondent:

In person.

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*Dev Darshan Sud, J.(oral)*

This appeal has been preferred against the order passed by the Hon'ble Single Bench directing that pension of the petitioner be remitted to his Saving Bank Account No. 4382 with Punjab & Sind Bank.

2. The learned Judge holds that the order has been passed keeping in view the earlier judgment dated 26.6.1995 passed in CWP No. 328 of 1995. The direction states that in case this order is not complied with, the salary of the Assistant General Manager (PPG), Department SBI, Sector 17-B, Chandigarh shall not be released from 1.2.2013 onwards.

3. We are reluctant to intervene in the interim order but it is submitted by learned counsel appearing for the appellant

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<sup>1</sup> *Whether Reporters of Local Papers may be allowed to see the judgment? Yes.*

that because of the computerization, the respondent would be required to open a bank account with any branch of State Bank of India. For this purpose, learned counsel appearing for the appellant has summoned two officers from the bank, one from Paonta and one from Shimla. We find that it is a mandatory requirement on the part of the respondent to sign papers for this purpose so that his pension can be remitted to his account in any branch of the State Bank of India. But the respondent submits that in case he signs such papers so offered to him he will be arrested and detained in custody. We have been unable to understand his fear/apprehension/submission and the basis on which he makes this submission. We tried to persuade him that in case his pension due is released to him in his bank account in State Bank of India, the entire controversy would be put to rest in this appeal. However, we cannot force the respondent in doing so. In these circumstances, we modify the interim order to the extent that salary of the Assistant General Manager (PPG), Department SBI, Sector 17-B, Chandigarh as directed will not be detained. It is further directed that the pension would be sent to the respondent through a crossed bank draft on the address furnished by him or as given in this appeal. Appeal stands disposed of including all pending miscellaneous application(s), if any.

(Dev Darshan Sud),  
Judge

November 29, 2013  
*ms.*

(Dharam Chand Chaudhary)  
Judge