



2025:CGHC:49559

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P(S) No.4767 of 2020

1 - Chandan Singh Chandra (Died) Through Lrs. As Per Honble Court Order Dated 26-11-2024.

1.1 - Rajkumar Chandra S/o Late Chandan Singh Chandra Aged About 47 Years R/o Village Bhothidih, Tahsil Sakti, District Janjgir Champa, Chhattisgarh.

1.2 - Dinesh Kumar Chandra S/o Late Chandan Singh Chandra Aged About 45 Years R/o Village Bhothidih, Tahsil Sakti, District Janjgir Champa Chhattisgarh.

... Petitioners

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh

2 - State Bank Of India Through Its Assistant General Manager,

Centralised Pension Processing Cell, Behind Working Women Hostel, Govindpura, Bhopal (M. P.)

3 - Branch Manager State Bank Of India, Jaijaipur Branch, Tahsil Sakti District Janjgir Champa, Chhattisgarh ... Respondents

For Petitioners	:Ms. Kajal Chandra appears on behalf of Shri Malay Shrivastava, Advocates.
For Respondent No.1./State	Shri Ritesh Giri, PL.
For Respondents No.2 & 3	:Shri Mayank Mulchandani appears on behalf of Shri PR Patankar, Advocates.

Hon'ble Shri Justice Deepak Kumar Tiwari

Order on Board

06.10.2025

1. This Petition has been filed challenging the recovery of erroneous payment made by Respondent No.2/Bank for excess payment of Rs.1,71,570/- towards commutation pension for which, recovery has been made in installments to the tune of Rs.8,011/- vide order dated 19.03.2020 (Annexure P-1).

2. At the outset, learned Counsel for the Petitioner submits that the Petitioner was superannuated from the services of Education Department and Respondent No.2/Bank has issued a recovery order against him for wrong payment of commutation pension to the tune of Rs.1,71,570/- for which, recovery has also been made,

therefore, this Petition may be allowed and a direction may be issued for refund of the said amount.

3. On the flip side, learned Counsel for the Respondents submit that excess payment made by the Bank to the Petitioner was due to inadvertence and the same was recovered in installments as per the instructions of RBI as the relationship between the Bank and the Pensioner is of Banker and Customer only and the deceased Pensioner has no right to retain the said excess payment as the same was a *bona fide* mistake on the part of the employee of the Bank.

4. In the matter of Chandi Prasad Uniyal and Others vs. State of Uttarakhand and Others reported in **(2012) 8 SCC 417**, while dealing with excess payment of public money, it was materially observed therein that “effecting excess payment of public money by Government officers, may be due to various reasons like negligence, carelessness, collusion, favouritism etc. because money in such situation does not belong to the payer or the payee. Situations may also arise where both the payer and the payee are at fault, then the mistake is mutual. Payments are being effected in many situations without any authority of law and payments have been received by the recipients also without any authority of law. Any amount paid/received without authority of law can always be recovered barring few exceptions of extreme hardships but not as

a matter of right, in such situations law implies an obligation on the payee to repay the money, otherwise it would amount to unjust enrichment.”

5. In view of the above settled principles, this Court is of the considered opinion that the recovery order, which has been issued by the Bank is just and proper and the same does not warrant any interference.

6. Accordingly, the instant Petition, being bereft of any merit, is hereby **dismissed**.

Sd/-

(Deepak Kumar Tiwari)
JUDGE