
(2018) 06 SHI CK 0039
In the High Court Of Himachal Pradesh
Case No : CWP No. 3082 of 2016

Chaman Singh

APPELLANT

Vs

UCO Bank & Others

RESPONDENT

Date of Decision : 29-06-2018

Acts Referred:

Citation : (2018) 06 SHI CK 0039

Hon'ble Judges : TARLOK SINGH CHAUHAN, J

Bench : Single Bench

Advocate : Suneel Awasthi, Sanjay Dalmia

Final Decision : Disposed Of

Judgement

Tarlok Singh Chauhan, J.

1. The moot question involved in this petition is whether the period of nine years, ten months and five days of service rendered by the petitioner can be rounded off to ten years so as to entitle him for the grant of pension?

2. However, before answering this question certain minimal facts need to be stated.

3. The petitioner initially served the Indian Army from 1973 to 1986 and was discharged from service on compassionate grounds. Thereafter, on

10.06.2006, the petitioner was appointed as armed guard with the respondents at its branch at Kihar, where he joined as such on 26.06.2006. The

petitioner retired from the service of the bank on 30.04.2016 after rendering nine years, ten months and five days of service with the respondent bank.

The request made by the petitioner for grant of pension was turned down by the respondents on the ground that he had not completed the minimum

required service in the bank was, therefore, not eligible for pension.

4. Now adverting to the question posed in this petition, it would be noticed that respondent has framed UCO Bank (Employees' Pension

Regulations, 1995 (for short 'Regulations') and Chapter IV deals with qualifying service. Regulation No. 14 defines qualifying service as under:-

14. Qualifying service-Subject to the other conditions contained in these regulations, an employee who has rendered a minimum of 10 years of

service in the Bank on the date of his retirement or the date on which he is deemed to have retired shall qualify for pension.

5. Whereas broken period of service of less than one year is defined in Regulation 18 and reads thus:

18. Broken period of service of less than one year. - If the period of service of an employee includes broken period of service less than one year,

then if such broken period is more than six months, it shall be treated as one year and if such broken period is six months or less it shall be ignored.

6. A bare perusal of the provisions as extracted above would reveal that in order to entitle an employee for pension, he is required to render minimum

ten years of service in bank on the date of his retirement. However, if the period of service of an employee includes broken period of service less than

one year, then if such broken period is more than six months, it has to be treated as one year and if such broken period is six months or less it has to

be ignored.

7. Obviously, the petitioner has rendered more than six months i.e. ten months and five day of service, therefore, this period in terms of Regulation No.

18 is required to be rounded and treated as one year, thus, making the petitioner eligible for pension.

8. As a matter of fact, the issue in hand is otherwise no longer res integra in view of the authoritative pronouncement of the Hon'ble Supreme

Court in Indian Bank and another v. N. Venkatramani (2007) 10 SCC 609, wherein the qualifying service, as prescribed, was 15 years, whereas the

respondent therein had sought voluntary retirement after rendering fourteen years, nine months and seventeen days of service. Similar provision of

rounding off was contained in Regulation 18 of the Regulations, which is a pari materia with Regulation No. 18 of the instant case and while

construing the said provision, it was observed in paras 9 and 13 as follows:-

9. We may notice that although various provisions have been made providing

for qualifying service to which our attention has been drawn by Mr.

Raju Ramchandran, the manner in which the period of service is to be measured is contained in Regulation 18 of the Regulation which reads as

under:-

18. Broken period of service of less than one year. - If the period of service of an employee includes broken period of service less than one year,

then if such broken period is more than six months, it shall be treated as one year and if such broken period is six months or less it shall be ignored.

13. It may be true that various provisions of the Regulations as for example Regulations 16, 17, 19, 23, etc. provided for qualifying service. Regulation

18 is not controlled by any of the said provisions. It does not brook any restrictive interpretation. It only provides for a rule of measurement. An

employee, as noticed hereinbefore, was entitled to pension provided he has completed the specified period of service. How such a period of service

would be computed is a matter which is governed by the statute. It is one thing to say that a statute provides for completion of fifteen years of

minimum service, but if a provision provides for measurement of the period, the same cannot be lost sight of. Provision of the Regulations which are

beneficial in nature, in our opinion, should be construed liberally.

9. The learned counsel for the respondent is not in a position to cite any contrary judgment.

10. In view of the binding principles as quoted above, this Court has no alternate but to allow the petition. Accordingly, the petition is allowed and the

petitioner is held entitled to pension in terms of the Regulations. The respondents are directed to work out the pensionary dues of the petitioner and

release the same within a period of two months from the receipt of certified copy of this order, failing which the petitioner shall be entitled to interest

at the rate of 9% per annum from the date the amount fell due till the date the same is actually paid to him.

11. The petition is disposed of in the aforesaid terms, leaving the parties to bear their costs. Pending application, if any, also stands disposed of.