**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-2231-2004 (O&M)

DHARAM SINGH SAINI

..Petitioner

Versus

CANARA BANK AND ORS.

..Respondents

Reserved on: 21.07.2026
Pronounced on : 04.08.2026
Uploaded on : 05.08.2026

Whether only the operative part of the judgment is pronounced? *NO*
Whether full judgment is pronounced? *YES*

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Ravindra Jain, Advocate
for the petitioner.

Ms. Rahish Pahwa, Advocate
for respondents.

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SUDEEPTI SHARMA, J.

1. The present writ petition has been filed for setting aside letter dated 17.04.2003. Further, the petitioner is asking for writ in the nature of Mandamus directing the respondents to fix the pension of petitioner in view of Canara Bank (Employees) Pension Resolutions, 1995. Further, asking for interest on the delayed payment of pensionary benefits.

2. Learned counsel for the petitioner contends that petitioner took voluntary retirement under the Employees Special Voluntary Retirement Scheme and vide impugned order dated 17.04.2003, the claim of the petitioner for pensionary benefits is wrongly rejected on the ground that the petitioner is not fulfilling the criteria of minimum period of qualifying

service of 15 years to be eligible for pension by totally ignoring Employees Special Voluntary Retirement Scheme, wherein, in the eligibility conditions, it is specifically stated that 15 years of actual service or 40 years of age and since it is 'or' therefore, they cannot take the stand of fulfillment of requirement of 15 years of actual service. He, therefore, prays that the present petition be allowed.

3. In support of his arguments, learned counsel for the petitioner relies upon the judgment passed by the Hon'ble Supreme Court in ***Indian Bank and another Vs. N. Venkatramani, 2007 (10) SCC 609***.

4. Per contra, learned counsel for respondents contends that under Regulation 28 of Pension Regulation, 1995, employee is required to complete 15 years of service for grant of pensionary benefits and the petitioner has only rendered approximately 10 years and 8 months of service, therefore, he is not entitled to pensionary benefits.

5. She further contends that though the eligibility to seek voluntary retirement under the Scheme is 15 years of actual service or 40 years of age but as per requirement of Regulation 28 of Pension Regulation, 1995, the employee has to fulfill the requirement of qualifying service of 15 years for grant of pensionary benefits. She, therefore, prays that the present petition be dismissed.

6. In support of her arguments, she relies upon the following judgments:-

> ***"i. Bank of Baroda and others Vs. Ganpat Singh Deora, 2009 (3) SCC 217***
>
> ***ii. Regional Manager, Punjab National Bank and others Vs. Dharam Pal Singh, 2014 (13) SCC 484."***

7. I have heard learned counsel for the parties and perused the whole file of the case with their able assistance.

8. A perusal of file reveals that the petitioner applied and opted for Employees Special Voluntary Retirement Scheme. Admittedly, the petitioner joined the bank on 26.07.1990 as clerk and retired on 17.03.2001 under Employees Special Voluntary Retirement Scheme. The reason for rejecting the claim of the petitioner for pensionary benefits is that he did not qualify the minimum qualifying period of 15 years of service, which is the eligibility for grant of pensionary benefits.

9. It would be apposite to reproduce the relevant portion of the written statement filed by respondents, which is reproduced as under:-

> *"1. The petitioner, D.S.Saini, joined the Bank on 26.07.1990 as a Clerk. In the year 2000-2001 Canara Bank introduced a Special Voluntary Retirement Scheme for the staff of Bank. The petitioner opted for this scheme and was retired from the services of the Bank w.e.f 17.03.2001. As such the petitioner has worked in the Bank for 10 years and 8 months only. Since the petitioner has not put in minimum required service of 15 years as per SVRS, he was not eligible for pension. Even in the circular No.237/2000, for Special Voluntary Retirement Scheme, it was clearly mentioned that pension shall be granted to employees after having served for a minimum period of 15 years. All the benefits due to the petitioner were given to him as per the rules prevailing at the time of his retirement under SVRS from the Bank. In view of this factual averments, the writ petition deserves to be dismissed. It has been held by a Division Bench of this Hon'ble Court cited as 2004(1) SCT page 679 - that "once a person has accepted the benefits of the scheme, he cannot challenge that scheme thereafter".*

7. That contents of para No.7 of the writ petition are matter of record. However, the eligibility clause as reproduce in this para makes the petitioner eligible for Special Voluntary Retirement Scheme and not for availing benefit of pension. The relevant clause for availing benefit of pension is clause 6.3(a), of Annexure to circular no.235/2000 dated 11.12.2000 and last two paragraph of page 1 of circular No.237/2000 dated 15.12.2000.

10. That the contents of para No.10 of the writ petition as stated are wrong, hence denied. No doubt, petitioner as employee of the Bank _opted for pension under the Canara Bank (Employees) Pension Regulations, 1995. However, he could have availed the benefit of pension under this scheme, if he had continued with the Bank until the age of superannuation. However, the petitioner had taken voluntary retirement under Special Voluntary Retirement Scheme. Therefore, his case is to be regulated by the provisions of Canara Bank Employees Voluntary Scheme, 2000 circulated vide circular No.237/2000 dated 15.12.2000. The said offer of the petitioner for voluntary retirement was accepted by the competent authority and he was given voluntary retirement w.e.f. 17.3.2001 and was also paid all the benefits in accordance with law. It is specifically submitted here that under this scheme, the petitioner was not eligible for pension as he had not completed 15 years of the service or more on prorate basis for the period of service rendered by him. The relevant provisions of the said scheme are as under:-

> *Clause 6.3 (a) of the said scheme provides as under:-*
>
> *Pension in terms of Canara Bank (Employees) Pension Regulations, 1995, in respect of those who have opted for pension and have put in 20*

> *completed years of service in the and Bank alongwith own contribution of Provident Fund."*

Another relevant portion of the said circular is as follows:-

We have now been informed by IBA that the Government of India has conveyed its approval for making necessary amendments to Regularion 29 of the Canara Bank (Employees) Pension Regulations, 1995, so that the employees who retire under the Special/adhoc formulated by the Bank after serving for a prescribed period would be eligible for prorate pension. Accordingly, IBA has advised to suitably amend Regulations 28 of the Canara Bank (Employees) Pension Regulations, 1995 by incorporating the following proviso to the said Regulation;

> *"Provided that pension shall also be granted to an employee who opts to retire before attaining the age of superannuation, but after having served for a minimum period 15 years in terms of any scheme that may be framed for the purpose by the Bank's Board with the concurrence of the Government".*

Further, the last two paragraphs of page 1 of the said circular read as follows:-

It may be noted that in terms of the above, the employees who have opted for pension and opt to retire under "Canara Bank Employees Special Voluntary Retirement Scheme 2000" circulated vide circular No.237/2000 and is accepted by the Competent Authority, shall be eligible for pension if they have put in 15 completed years of the service or more on prorate basis for the period of service rendered by them. Consequently, the employees who are members of the Pension Fund and opt for Special Voluntary under the scheme as per the Circular No.235/2000 are eligible only for Superannuation

Pension under Regulation 28 of the Pension Regulations. The provision of adding 5 years notional service to the actual service rendered in case of those who opt for voluntary retirement under Regulation 29 of Pension Regulations will not be available to those who opt for voluntary retirement under the "Canara Bank Employees Special Voluntary Retirement Scheme" circulated vide Circular No.235/2000.

17. That in reply to para No.17 of the writ petition, it is submitted that guidelines contained in Head Officer Circular No.237/2000 are applicable to the employees opting for Special Voluntary Retirement Scheme. The petitioner has opted for SVRS and hence as per the guidelines of SVRS, he should have put at least 15 years of service in the Bank to be eligible for pension. Special Voluntary Retirement Scheme was introduced in the bank after being permitted by the Board of Directors. The scheme had remained in operation for a period of one month i.e. 01.01.2001 to 31.01.2001. As per the eligibility norms, all permanent Workmen/Officer employees of the Bank will be eligible to seek voluntary retirement under the scheme if they satisfy the conditions that they have completed 15 years of actual service or 40 years of age. The scheme had also stipulated that an employee will be entitled for pension who have opted for pension in terms of Canara Bank (Employees) Pension Regulations, 1995 and have put in 15 years of service in the Bank. Merely satisfying the eligibility norms of SVRS scheme will not entitle an employee to get pension. The employee should have put in 15 years of service for being entitled for pension as per the scheme. In the instant case, the petitioner has not completed 15 years of service and hence has not satisfied the condition stipulated by the SVRS scheme for receiving the pension. Hence, the *contention of the petitioner that he is entitled for pension as he has opted for voluntary retirement under clause 1 (b) of the scheme is untenable.*

19. That in reply to para No.19 of the writ petition, it is submitted that the above condition are applicable only where the retired employees is eligible for pension under 1995 Regulations. In the instant case, the petitioner has been voluntary retired under SVRS scheme and under the provisions of this scheme, he was not eligible for pension as he has not completed 15 years of required service in the Bank. This point was made amply clear in the Head Officer Circular No.237/2000 for SVRS. The petitioner is not entitled for pension since he has not completed 15 years of service in the Bank as stipulated in Circular No. 237/2000. His pensionary benefits has not been withheld or withdrawn. It is to be noted that Regulation 42 & 43 has no application to the present facts of the case. There is no question of withholding/withdrawal of the pension since the petitioner is not entitled for any pension as he has not fulfilled the conditions stipulated to become eligible for pension in the SVRS Scheme. Hence, the contention of the petitioner is untenable."

10. A perusal of the above shows that the petitioner did not fulfill the qualifying service for grant of pensionary benefits.

11. The question involved in the present writ petition is as to whether employee, who does not fulfill the requirement of completion of 15 years of qualifying service for availing the pensionary/retiral benefits as per Regulation 28 of 1995 Regulations would be eligible for pension.

12. The question involved in the present writ petition is no more *res integra* as the same has already been decided by Hon'ble Supreme Court in ***Ganpat Singh Deora's case (supra)*** *and* ***Dharam Pal Singh's case (supra).***

13. The Hon'ble Supreme Court in ***Ganpat Singh Deora's case (supra)*** has held as under:-

> "*14.* ***Having carefully considered the submissions*** *made on behalf of the respective parties,* ***it appears to us that*** *Ms. Bhati's submissions have substance.*
>
> *15. The only question which is required to be determined in the instant case is whether Regulation 29 of the Pension Regulations, 1995, could have been applied in the case of the respondent or whether Regulation 14 has been rightly applied both by the Tribunal and the High Court.*
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> *16. The BOBEVRS-2001 itself does not give any indication, other than what has been stated in paragraph 2, as to which of the employees of the appellant-Bank would be entitled to opt for voluntary retirement. It only mentions that all permanent employees of the Bank, who as on 31st March, 2001, would have completed/would be completing minimum 15 years of service or those who have completed/would be completing 40 years of age, would be eligible to apply for voluntary retirement under the BOBEVRS-2001.*
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> *17. The conditions relating to completing 15 years of service for being eligible to apply for BOBEVRS-2001 are special to the Scheme as also to the case of those employees who wished to apply for voluntary retirement under the aforesaid Scheme, if they had completed or would be completing 40 years of age. The latter condition appears to have been incorporated in view of the provisions of Regulations 14 and 32 of the Pension Regulations, 1995, to enable employees who had completed 10 years of service to also become eligible to apply for premature retirement under the Pension Regulations, 1995.*

18. However, ***we are inclined to agree with Ms****. Bhati that Regulation 29 does not contemplate voluntary retirement under the Voluntary Retirement Scheme and applies only to such employees who themselves wish to retire de hors any Scheme of Voluntary Retirement, after having completed 15 years of qualifying service for the said purpose. There is a distinct difference between the two situations and Regulation 29 would not cover the case of an employee opting to retire on the basis of a Voluntary Retirement Scheme.*

19. Furthermore, Regulation 2 of the Voluntary Retirement Scheme, 2001, of the appellant-Bank merely prescribes a period of qualifying service for an employee to be eligible to apply for voluntary retirement. On the other hand, Regulations 14 and 29 of the Pension Regulations, 1995, relate to the period of qualifying service for pension under the said Regulations, in two different situations. While Regulation 14 provides that in order to be eligible for pension an employee would have to render a minimum of 10 years service, Regulation 29 is applicable to the employees choosing to retire from service pre-maturely, and in their case the period of qualifying service would be 15 years. The facts of this case, however, do not attract the provisions of Regulation 29 since the respondent accepted the offer of voluntary retirement under the Scheme framed by the Bank and not on his own volition de hors any Scheme of Voluntary Retirement. In such a case, Regulation 14 read with Regulation 32 providing for premature retirement would not also apply to the case of the respondent. While Regulation 2 of the BOBEVRS-2001 speaks of eligibility for applying under the Scheme, Regulation 14 of the Pension Regulations, 1995, contemplates a situation whereunder an employee would be eligible for premature *pension. The two provisions are for two different purposes and for two different situations. However, Regulation 28 of the Pension Regulations, 1995, after amendment made provision for situations similar to the one in the instant case. In the absence of any particular provision for payment of pension to those who opted for BOBEVRS-2001 other than Regulation 11(ii) of the Scheme, we are once again left to fall back on the Pension Regulations, 1995, and the amended provisions of Regulation 28 which brings within the scope of Superannuation Pension employees who opted for the Voluntary Retirement Scheme, which will be clear from the Explanatory Memorandum. However, the period of qualifying service has been retained as 15 years for those opting for BOBEVRS-2001 and is treated differently from premature retirement where the minimum period of qualifying service has been fixed at 10 years in keeping with Regulation 14 of the Pension Regulations, 1995.*

20. ***We are, therefore, of the view that*** *not having completed the required length of qualifying service as provided under Regulation 28 of the 1995 Regulations, the respondent was not eligible for pension under the Pension Regulations, 1995, of the appellant Bank.*

21. In the facts of the case and the terms of the BOBEVRS-2001 and the Pension Regulations, 1995, ***We are unable to agree with the interpretation*** *of the BOBEVRS-2001 Scheme and the Pension Regulations, 1995, as has been done by the learned Single Judge and the Division Bench of the High Court, and We, therefore, allow the appeal without costs. Consequently, the orders passed by the Division Bench of the High Court and impugned in this appeal, in D.B. Special Appeal (W) No. 481 of 2005 filed by the respondent against the dismissal of his Writ Petition CWP No. 6525 of 2005, are set aside.*

> *Similarly, the Writ Petition filed by the appellant-Bank is allowed along with this Appeal.*"

14. Further, the Hon'ble Supreme Court in ***Dharam Pal Singh's case (supra)*** has held as under:-

> "*2. **The only question that arises for consideration** in this case is whether the respondent, who took voluntary retirement from the service of the appellant Punjab National Bank under the PNB Employees Voluntary Retirement Scheme - 2000 on completing 40 years of age (and not 15 years of service, as the alternative criterion stipulated) is entitled to receive pension.*
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> *3. The Punjab and Haryana High Court has held in favour of the respondent employee applying the provisions of Regulation 14 of the Punjab National Bank (Employees') Pension Regulations, 1995. The High Court has apparently overlooked that the opening words of Regulation 14 are 'Subject to the other conditions contained in these regulations' and as a result, applied the provision of Regulation 14 somewhat out of context.*
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> *4. Be that as it may, the question arising in this case is no longer res integra and it is conclusively decided in favour of the Bank and against the respondent in **Bank of Baroda & Ors. v. Ganpat Singh Deora, (2009) 3 SCC 217**. In this decision, this Court considered in detail Regulations 14, 28 and Regulation 29, both before and after its amendment and held that an employee taking voluntary retirement under the Voluntary Retirement Scheme would be entitled to pension only in case he completed 15 years' qualifying service in the Bank.*
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> *The decision in Ganpat Singh Deora fully applies to the facts of the case. The decision of the High Court, being contrary to the aforesaid decision, must be set aside.*

> *5. We, accordingly, set aside the decision of the High Court and dismiss the writ petition filed by the respondent.*
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> *From the materials on record, however, it appears that the respondent has not been paid the amount of the Bank's contribution towards his Provident Fund and that amount has instead been transferred to the Pension Fund. The respondent was entitled to receive the amount of the Bank's contribution towards Provident Fund at the time of his voluntary retirement. The amount being wrongly withheld, we direct that the entire amount must be paid to the respondent, along with simple interest @ 10% per annum, within six weeks from today.*
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> *6. The Civil Appeal is, accordingly, allowed subject to the direction with regard to the payment of the aforesaid amount.*"

15. In view of the above referred to law laid down by Hon'ble Supreme Court, the qualifying service as provided under Regulation 28 of 1995 Regulations of minimum 15 years is required to be eligible for grant of pension.

16. The facts of the judgment referred to by learned counsel for the petitioner are distinguishable since in the present case, admittedly the petitioner has not completed 15 years of qualified service and in the case referred to by the petitioner, the respondent completed 14 years, 9 months and 17 days of service and the benefit of broken period was granted to him.

17. In view of the above, the present writ petition is ***dismissed***.

18. Pending miscellaneous application(s), if any, stand disposed of.

04.08.2026 **(SUDEEPTI SHARMA)**
JUDGE

Ayub/Saahil

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No