(2007) 12 P&H CK 0072

In the Punjab And Haryana At Chandigarh

D.K. Angrish and Others APPELLANT

Vs

Union of India (UOI) and Others RESPONDENT

Date of Decision : 21-12-2007

Acts Referred:

Citation : (2007) 12 P&H CK 0072

Hon'ble Judges : Mohinder Pal, J;Hemant Gupta, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Hemant Gupta, J.—The petitioners are Officers working in the Chandigarh circle of the the respondent-Bank. The Indian Banks'' Association, of which the respondent-Bank is a member, evolved a Scheme called Voluntary Retirement Scheme after getting approval from the Government of India and advised the member-Banks to implement the same so as to curtail the staff''s strength in the Bank. The respondent-Bank has also circulated the Scheme on 29.12.2000 called State Bank of India Voluntary Retirement Scheme, 2000 (hereinafter referred to as `the Scheme'').

2. The Scheme was to remain open during the period 15.1.2001 to 31.1.2001 with an option to the Bank to close early/extend the Scheme, without assigning any reasons. The applications for voluntary retirement under the Scheme were to be accepted during this period only.

3. The petitioners applied for voluntary retirement under the Scheme. Clause 7 of the Scheme which is relevant for determination of the issues raised in the present case, reads as under:

Other Features.

The Bank intends to control the outflow of personnel according to its requirements. Towards this end, Bank retains the discretion to limit the number of employees to be allowed to retire in each category of staff viz. officer/clerical cash/subordinate, to be covered, under SBPVRS. As such the bank will have the sole discretion as to the acceptance or the rejection of the request for retirement under SBPVRS depending upon the requirements of the Bank. For the purpose of exercising discretion in this regard, category wise lists of eligible applicants would be prepared in descending order of their age and applications of employees coming in higher age groups above cut-off age would be accepted; the cut-off age in each category will of course depend upon the acceptable number of employees who can be permitted to retire.

No voluntary retirement shall be deemed to have come into effect unless the decision of the competent authority has been communicated in writing.

4. The grievance of the petitioners is that they have applied for voluntary retirement within the time prescribed and were eligible under the Scheme, but still the respondent-Bank has increased the cut off age from 40 years to 55 years vide Annexure P.3 and therefore, the action of the respondent-Bank in rejecting the claim of the petitioners is not tenable.

5. Clause 7 of the Scheme provides that the Bank has the sole discretion as to the acceptance and rejection of the retirement under the Scheme, depending upon the requirement of the Bank. For the purpose of exercising discretion in this regard, it was provided that category wise list of eligible employees would be prepared in descending order of their age and applications of employees coming in higher age groups and above cut-off age would be accepted and that the cut off age in each category will of course, depend upon the acceptable number of employees who can be permitted to retire. In terms of the said provision, it was decided to take the age of cut-off at 55 years for Officers'' category vide Circular Annexure P.3. The said decision of cut off is in terms of Clause 7 of the Scheme. Therefore, the petitioners cannot raise any claim for acceptance of their voluntary retirement.

6. In Bank of India and Ors. v. O.P. Swarankar etc. 2003(1) SLR 1, it has been held by the Hon''ble Supreme Court that the Scheme is contractual in nature. The petitioners have submitted his offer for voluntary retirement. Such offer was required to be considered by the Bank in terms of the Scheme. Clause 7 of the Scheme as reproduced above, gives discretion to the Bank to accept or reject the offer of the petitioners. It also deals with the preparation of category-wise list of the eligible employees in descending order of each category of staff. Therefore, by adopting such an exercise, the Bank has fixed the cut off age as 53 years. It is an offer which was required to be considered by the Bank, in terms of the Scheme. Since the Bank has considered the offer of the petitioners in terms of the Scheme, therefore, it cannot be said that the fixing of cut off age is such which can be said to be arbitrary or suffering from any patent illegality.

7. In view of the above, finding no merit in the present writ petition, the same is dismissed.