
(2007) 12 P&H CK 0070
In the Punjab And Haryana At Chandigarh

Ghanshyam Dass

APPELLANT

Vs

State Bank of Patiala and Others

RESPONDENT

Date of Decision : 21-12-2007

Acts Referred:

Citation : (2007) 12 P&H CK 0070

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

Bench : Division Bench

Final Decision : Dismissed

Judgement

Hemant Gupta, J.—The petitioner, who is an employee of the State Bank of India since 22.9.1977, sought voluntary retirement in terms of the State Bank of India Voluntary Retirement Scheme, 2000 (for short 'the Scheme') circulated on 29.12.2000.

2. The petitioner submitted his request for voluntary retirement on 15.1.2001, but the same was declined on the ground that the disciplinary action has been initiated against the petitioner for overwriting/alteration made by him in the attendance Register, while posted at Rajpura Branch. The petitioner has challenged the action of the respondent in declaring him ineligible for voluntary retirement under the Scheme by way of the present writ petition.

3. It is contended that no charge-sheet has been served upon the petitioner, therefore, it cannot be said that the disciplinary proceedings against the petitioner are pending. The petitioner has referred to an order passed in Civil Writ Petition No. 6640 of 2000, wherein the challenge was made to the monetary claim raised by the Bank against the petitioner. The said writ petition was dismissed giving liberty to the petitioner to seek his remedy before the Civil Court.

4. In reply, it has been pointed out that after the dismissal of the aforesaid writ petition, the petitioner has raised an Industrial Dispute, which is pending. It has also been pointed out that the preliminary investigation was going on against the

petitioner for tampering with the attendance register, when he was posted at Rajpura at the time when the petitioner applied for voluntary retirement. It is also pointed out that the disciplinary proceedings would be deemed to be pending when explanation is sought from the petitioner.

5. Having heard the learned Counsel for the parties at some length, we do not find any merit in the present writ petition

6. The relevant eligibility condition reads as under:

Employees against whom disciplinary proceedings are contemplated/pending or who are under suspension. This will also include employees against whom action has been initiated by government agencies/other law enforcing agencies.

7. The said condition does not deal with the pendency of the disciplinary proceedings. The disciplinary proceedings in terms of the above condition would include proceedings which are even contemplated. There is allegation of tampering of the attendance register i.e. proceedings are contemplated. All these facts are sufficient to deny the benefit of voluntary retirement to the petitioner. 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 voluntary retirement is contractual in nature and that it is the employee, who submits the offer thereof. Whether such offer is to be accepted or not, is the sole administrative discretion of the Bank.

8. Thus, we do not find any illegality or irregularity in the impugned decision of the Bank, which may warrant interference by this Court in exercise of the writ jurisdiction. Hence, the present writ petition is dismissed.