
(2012) 04 P&H CK 0060

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 7636 of 2011 (O and M)

Hardial Singh

APPELLANT

Vs

Bank of Baroda and others

RESPONDENT

Date of Decision : 26-04-2012

Acts Referred:

Citation : (2012) 4 LLJ 725 : (2012) 167 PLR 250

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Advocate : Saloni Sharma, for the Appellant; Vikas Chatrath, for the Respondent

Judgement

K. Kannan, J.—This order must be seen in continuation of the order passed already on 22.03.2012. On that day, I had directed the respondents to place the relevant pension rules of the respondent-bank showing the number of years of service necessary for claiming pension in their establishment. The affidavit of the Regional Head of the Bank of Baroda is filed before the Court setting out the relevant regulations relating to pension. The affidavit is taken on record. The counsel appearing on behalf of the respondents would contend that as per Regulation 14 of the Bank of Baroda (Employee) Pension Regulations, 1995 (for short, "Regulations, 1995"), the qualifying service for pension is for a person, who has rendered a minimum of ten years of service on the date of his retirement or the date on which he is deemed to have retired. The counsel for the respondents argues that the pension that is payable on retirement is otherwise called the superannuation pension and Regulation 28 of the Regulations, 1995 provides for the grant of such pension only to an employee, who has retired on his attaining the age of superannuation. The contention is that a person, whose service is determined otherwise than of superannuation, shall not be a person, who would be entitled to pension in the language employed by Regulation 14 read with Regulation 28 of the Regulations, 1995. According to him, Regulation 22 operates in such a situation for a resignation or dismissal or removal or termination of an employee from his service of the bank

shall render forfeiture of his past service and consequently shall not qualify for pensionary benefits.

2. The issue of whether the petitioner's entitlement could be denied must be seen in the context of how when the labour Court was affirming the decision of removal of service of the petitioner by the order passed by the disciplinary authority on 16.08.2001, which had removed him from service with superannuation benefits. The learned counsel for respondents would contend that the superannuation benefit, which was approved at the time of removal of service was such benefit other than the pensionary benefits, namely, gratuity, provident fund etc. I would reject this contention and hold that removal of service effected with superannuation benefit must be understood as including the pensionary benefit by the only fact that pension is an important component of a superannuation benefit and unless excluded specifically by an order, it shall not be taken as unavailable to an employee. The writ petition is, therefore, allowed directing the respondents to calculate the pension payable and release the same with interest 7.5% per annum from the date of termination of service till the date of payment. The amount shall be calculated and released to the petitioner within a period of 12 weeks from the date of receipt of copy of the order. The writ petition is disposed of as above.