(2018) 05 DEL CK 0249

In the Delhi High Court

Case No : W.P.(C) 2162 OF 2017

MOOL CHAND SHARMA APPELLANT

Vs

CENTRAL BANK OF INDIA AND ANR. RESPONDENT

Date of Decision : 18-05-2018

Acts Referred:

Citation : (2018) 05 DEL CK 0249

Hon'ble Judges : SUNIL GAUR

Bench : Single Bench

Advocate : Umesh Singh, O P Gaggar

Final Decision : Dismissed

Judgement

SUNIL GAUR , J.

Consequent upon infliction of penalty of compulsory retirement upon petitioner, reduction of 1/3rd pension has been effected in terms of Regulation 33

(1) of Central Bank of India (Employeesâ??) Pension Regulations, 1995. Forfeiture of gratuity is also assailed in this petition, but while entertaining

this petition, vide order of 8th March, 2017, petitioner has been relegated to avail of the remedy qua the forfeiture of gratuity before the competent

forum.

The Disciplinary Authorityâ??s order of 24th July, 2014 (Annexure P4) was challenged by petitioner by way of an appeal which stands rejected vide

order of 2nd February, 2015 (Annexure P-6). It is pointed out that the order inflicting penalty of compulsory retirement has attained finality. Regulation

33 (1) of aforesaid Regulations of 1995 empowers the authority higher than the competent authority to deduct 1/3rd pension, in a case where penalty

of compulsory retirement has been inflicted.

Learned counsel for petitioner submits that the penalty of compulsory retirement and forfeiture of 1/3rd pension has been recommended vide order of

30th July, 2014 (Annexure R-1) by higher authority i.e. Senior Regional Manager of Zonal Office. Petitionerâ??s counsel submits that petitioner was

never apprised of this recommendation.

Be that as it may. A plain reading of Regulation 33 (1) of Central Bank of India (Employeesâ??) Pension Regulations, 1995, does not require that

deduction of 1/3rd pension upon infliction of penalty of compulsory retirement be approved by the Board of Directors. Therefore, in the considered

opinion of this Court, deduction of 1/3rd pension is in consonance with Regulation 33 (1) of aforesaid Regulations of 1995. No case for quashing

deduction of 1/3rd pension is made out .

In view of the aforesaid, this writ petition is dismissed.