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**(1998) 09 DEL CK 0047**  
**In the Delhi High Court**  
**Case No : CW.No. 2033 of 1989**

Narendra Lal Saraswat

APPELLANT

Vs

The Central Bank of India

RESPONDENT

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**Date of Decision :** 04-09-1998

**Acts Referred:**

**Citation :** (1998) 6 AD 330 : (1998) 47 DRJ 635

**Hon'ble Judges :** K. Ramamoorthy, J

**Bench :** Single Bench

**Advocate :** Ms. Meera Mathur, for the Appellant;

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## **Judgement**

K. Ramamoorthy, J.—The petitioner joined the services of the Central Bank of India, the third respondent in 1946 and he was promoted as Branch Manager on the 28th of April, 1975. Disciplinary proceedings were initiated against him and was found guilty. A major penalty of compulsory retirement was imposed on him. That was challenged by him before the High Court of Allahabad. Eventually, the appellate authority considered the matter as per the directions of the High Court of Allahabad and the order of compulsory retirement was confirmed by order dated the 28th of July, 1980.

2. The petitioner has claimed interest on the amount of provident fund paid to him on the 22nd of July, 1986. The petitioner has also claimed gratuity.

3. As per the Central Bank of India (Officers Services Regulations), 1979, the petitioner is not entitled to gratuity. Regulation 46 of the Central Bank of India (Officers Services Regulations), 1979 is relevant and the same reads as under:-

"46 Gratuity

(1) Every Officer shall be eligible for gratuity on:-

(a) Retirement

(b) Death

(c) Disablement rendering him unfit for further services as certified by a medical officer approved by the Bank,

OR

(d) resignation after completing ten years of continuous service.

4. There is also the Central Bank of India Employees Gratuity Fund Rules and Rules 12.A. of the said rules is relevant, which reads as under:-

"12A. Notwithstanding anything herein contained, if at the time of cessation of service of any member, any investigation into his conduct involving financial loss to the Bank is pending or any inquiry or other disciplinary proceedings against him are pending and if the Board so requests the trustees, then and in such event the trustees shall withhold the gratuity payable to such member until the conclusion of such investigations or if such investigation lead to further disciplinary proceedings then until such disciplinary proceedings are finally disposed of and if as a result of such proceedings it is proved that the member was guilty of misconduct then gratuity payable to such member shall be forfeited to the extent and in the case as provided in Rule 12 hereof but in any such case as mentioned in this clause the amount of gratuity ultimately payable to the member pursuant to these Rules shall except in case as hereinafter mentioned be paid without any interest notwithstanding anything contained in these Rules to the contrary. If, however, in case of a member against whom such proceedings etc. as mentioned in this Rule are pending at the time of cessation of service of such member and as a result of such proceedings no amount is liable to be forfeited out of the gratuity payable to him then and in such case the trustees shall pay him the amount of gratuity with interest thereon 1 per cent over the Bank Rate per annum from the date of cessation of service of such member till payment."

5. It is not disputed that the imposition of penalty of compulsory retirement had become final and conclusive. In the light of the Rule 12A, under the Central Bank of India Employees Gratuity Fund Rules, the petitioner is not entitled to any relief. The writ petition is dismissed.

6. There shall be no orders as to costs.