
(2005) 02 RAJ CK 0072

In the Rajasthan High Court

Case No : Civil Writ Petition No. 5082 of 2004

R.S. Gauri Shankar

APPELLANT

Vs

UCO Bank and Others

RESPONDENT

Date of Decision : 28-02-2005

Acts Referred:

UCO Bank (Employees) Pension Regulations, 1995 — Regulation 26

Citation : (2005) 3 LLJ 123 : (2005) 2 RLW 1020 : (2005) 2 WLC 764

Hon'ble Judges : Asok Parihar, J

Bench : Single Bench

Advocate : Rajendra Arora, for the Appellant; Saransh Saini, for the Respondent

Final Decision : Dismissed

Judgement

Ashok Parihar, J.—The petitioner was appointed as Assistant Cashier-cum-Godown Keeper on 15.09.1993. The petitioner stood retired from the same post w.e.f. 31st December, 1997 on reaching the age of superannuation. The petitioner is seeking additional five qualifying years for the purpose of calculation of pension and other retiral benefits as provided under Regulation 26 of the U.Co. Bank (Employees) Pension Regulations, 1995 mainly on the ground that the petitioner has additional higher qualifications required for the post as also the age relaxation had been given to the petitioner at the time of his appointment.

2. Regulation 26, as relied upon, is reproduced here as under :-

"26. Additional to qualifying service in special circumstances.-An employee shall be eligible to add to his service qualifying for superannuation pension (but no for any other class of pension) the actual period not exceeding one fourth of the length of his service or the actual period by which his age at the time of recruitment exceeded the upper age limit specified by the Bank for direct recruitment or a period of five years, whichever is less, if the service or post to which the employee is appointed is one.

(a) for which post-graduate research, or specialist qualification or experience in

scientific, technological or professional fields, is essential; and

(b) to which candidates of age exceeding the upper age limit specified for direct recruitment are normally recruited;

(c) for which the candidate was given age relaxation over and above the maximum age limit fixed by Bank on account of his possession higher qualification or experience;

Provided that this connection shall not be admissible to an employee unless his actual qualifying service at the time he quits the service in the Bank is not less than ten years;

Provided further that this concession shall be admissible if the recruitment rules in respect of the said service or post contain specific provision that the service or post is one which carries benefit of this regulation;

Provided also that the recruitment rules in respect of any service or post which carries the benefit of this regulation shall be made with the approval of the Central Government."

3. The petitioner is claiming benefit under Clause (a) and (b) as referred above. However, a bare reading of the above clauses would show that both the clauses are co-related. The benefit can be given only to a person having Post Graduate Research or specialist qualification or experience in scientific, technological or professional fields, if such qualification is essential for the post and further age of such candidates exceeds the upper age further age of such candidates exceeds the upper age limit specified for direct recruitment in normal course. It is only when a person having specialist qualifications and experience has been appointed after the normal maximum age fixed for the post in question.

4. In the present case, no such exigency exists. It is not the case of the petitioner that he was given appointment on the post of Assistant Cashier/cum-Godown Keeper looking to his special qualifications and experience, moreso, when the qualifications and experience possessed by the petitioner were also not essential qualifications and experience and further the petitioner also not having been appointed after giving age relaxation on the ground of special qualifications. Under the circumstances, the prayers as made in the present writ petition cannot be accepted.

5. The writ petition is dismissed accordingly as having no merit.