

(2013) 04 JH CK 0080
In the Jharkhand High Court
Case No : WP (S) No. 4255 of 2004

Smt. Geeta Devi	Vs	APPELLANT
The Bank of India and Others		RESPONDENT

Date of Decision : 12-04-2013

Acts Referred:

Citation : (2013) 2 JLJR 633

Hon'ble Judges : S. Chandrashekhar, J

Bench : Single Bench

Advocate : C.S. Pandey, for the Appellant; Rajesh Kumar, Amit Kumar and Maninder Kr. Sinha, for the Respondent

Final Decision : Dismissed

Judgement

S. Chandrashekhar, J.—Aggrieved by the penalty of reduction to lower stages in time scale permanently with further direction that no increment would be earned within the period of such reduction and order dated 14.2.2004 whereby the application seeking voluntary retirement under Circular dated 1.11.2000 has been rejected, the petitioner, who is wife of an employee of the Bank of India has approached this Court. The husband of the petitioner, who was employed on 12.6.1976 in the respondent-Bank, applied under Voluntary Retirement Scheme on 17.11.2000 in terms of Circular dated 1.11.2000. The application of the petitioner's husband remained pending and no decision was taken. In the meantime, departmental enquiry was initiated against the husband of the petitioner and an order of major penalty as noted above has been passed.

2. Learned counsel appearing for the petitioner has contended that in terms of Circular dated 1.11.2000, the husband of the petitioner fulfilled all the eligibility criteria and he was entitled for grant of VRS under the Circular dated 1.11.2000. However, his application was kept pending for months and no decision was taken and subsequently, departmental proceeding was initiated against the husband of the petitioner on frivolous ground and on that basis the husband of the petitioner could not be denied the benefit of Voluntary Retirement Scheme.

3. A counter-affidavit has been filed on behalf of the respondent in which it has been stated that after the husband of the petitioner applied under Circular dated 1.11.2000 his case was examined and by letter dated 7.11.2000, he was asked to give his reply. It was found that gross irregularity was committed by the husband of petitioner during his service. Finally, on 14.2.2004, request for grant of voluntary retirement in terms of Circular dated 1.11.2000 was declined by the Authorities. In the departmental proceeding, which was proceeded ex-parte because the husband of the petitioner did not participate, the husband of the petitioner has been found guilty of misconduct and a major penalty was imposed upon him.

4. Learned counsel for the respondent has also submitted that the husband of the petitioner was not entitled in terms of clause 3 of the circular dated 1.11.2000 as at the time when he applied for grant of benefit of voluntary retirement, a proceeding was contemplated against the husband of the petitioner as it was found that he was involved in gross irregularities.

5. Heard learned counsel for the parties at length and perused the documents on record.

6. Clause 3 of the Circular dated 1.11.2000, which is the eligibility condition, is extracted below:-

3.1. All permanent employees of the Bank who have put in minimum 15 years of service or completed 40 years of age as on 1.11.2000 are eligible to apply for voluntary retirement. However, employees against whom disciplinary proceedings are contemplated/pending or are under suspension, will not be eligible to apply for voluntary retirement under the scheme. Those employees who are on probation, upon their promotion from Clerical to officers cadre or sub-staff to clerical cadre, will also not be eligible to apply for voluntary retirement under the scheme.

7. It appears from the eligibility conditions under the Circular dated 1.11.2000 that at the time when an application seeking grant of voluntary retirement is to be considered there should not be any departmental proceeding pending against the employee.

8. I am of the view that the word pending would cover the cases under contemplation for initiation of any departmental proceeding, also. Moreover, the husband of the petitioner was proceeded against in departmental enquiry and as he did not participate, the proceeding was concluded ex-parte and the charges against the husband of the petitioner was found proved. In view of the aforesaid, there is no merit in the writ petition and accordingly, the writ petition is dismissed.