(2015) 06 KL CK 0045

In the High Court Of Kerala

Case No : W.A. No. 129 of 2015 in WP (C). 22452 of 2011

State Bank of Travancore APPELLANT

Vs

K.A. Jacob and Others RESPONDENT

Date of Decision : 26-06-2015

Acts Referred:

Citation : (2015) 06 KL CK 0045

Hon'ble Judges : Ashok Bhushan, C.J;A.M. Shaffique, J

Bench : Division Bench

Advocate : P. Ramakrishnan, for the Appellant; G. Balamuraleedharan and N.T. Nandakumar, Advocates for the Respondent

Final Decision : Dismissed

Judgement

Ashok Bhushan, C.J—Heard the learned counsel appearing for the appellant as well as the learned counsel appearing for the respondents.

2. This writ appeal has been filed against the judgment dated 17.11.2014 in W.P. (C) No. 22452 of 2011. Respondents 1 to 11 filed the writ petition seeking for the following reliefs:--

"i. That this Hon''ble Court may be pleased to quash Exts.P4 and P5 so far as they relate to exclusion of retirees who had taken Voluntary Retirement other than under 2001 scheme and Ext.P7 or set aside the same by a writ of certiorari or other appropriate writ or order.

ii. To issue a writ of mandamus directing the respondents to grant the petitioners the right to opt to join the Pension Scheme in terms of Ext.P3."

The learned Single Judge allowed the writ petition by the impugned judgment and directed that the petitioners be also provided with pensionary benefits in terms of Exts.P3 and P4. The Bank, aggrieved by the said judgment, has come up in appeal.

3. While the writ petitioners were working in the bank, the Bank had introduced

an ''Exit Option Scheme'' on 31.1.2006, which was a ''voluntary scheme'' inviting the bank employees to opt for early exit under the scheme. There was a provision that payment of pension be made to those employees who put in 20 years of pensionable service as per the Regulation 29 of the SBT (Employees'') Pension Regulations, 1995. The said clause of the Scheme reads as follows:--

"7(vi) Pension (if minimum pensionable service is put in) including commuted value of pension. The officer will be eligible for pension under Regulation 29 of SBT (Employees'') Pension Regulations, 1995 only if he has put in 20 years of pensionable service."

The petitioners did not give option for pension although they had completed more than 20 years of service. A Joint Note was issued on 27.4.2010 on agreed conclusions reached between the Indian Banks'' Association on behalf of the Managements of Banks listed in the Schedule and All India Bank Officers'' Confederation (AIBOC), All India Bank Officers'' Association (AIBOA), Indian National Bank Officers'' Congress (INBOC) and National Organisation of Bank Officers (NOBO). One of the decisions taken in the Joint Note was that those who have retired on account of voluntary retirement under special scheme after rendering service for a minimum period of 15 years be given an opportunity to exercise an option to join the Pension Scheme. The said decision reads as under:--

"(7) Officers who ceased to be in service on or after 29th September 1995 in case of Nationalized Banks/26th March 1996 in case of Associate Banks of State Bank of India on account of voluntary retirement under special scheme after rendering service for a minimum period of 15 years, shall be eligible to exercise an option to join the Pension Scheme subject to the terms and conditions mentioned for retiring officers opting for joining the Scheme."

The Bank has also issued staff circular in pursuance of the Joint Note. The petitioners submitted their option for pension as per the said Joint Note. However, the Bank issued rejection letters (one of such rejection letters issued to the first petitioner, Jacob K.A., has been brought on record as Ext.P7), where, it was informed that as per the staff circular dated 17.9.2010, the employees who retired under the ''Exit Option Scheme'' are not eligible for 2nd option for pension. Such rejection letters were challenged in the writ petition.

4. The learned Single Judge, following the judgment of the Karnataka High Court in N. Suresh Prabhu and Others Vs. Corporation Bank and Indian Banks Association and Others , allowed the writ petition.

5. The learned counsel for the appellant Bank, challenging the judgment of the learned Single Judge, contended that though the petitioners have not opted for pension as required under the Pension Regulations, they could not submit 2nd option after the Joint Note dated 27.4.2010. It is submitted that the Joint Note could not extend any benefit to the writ petitioners.

6. Learned counsel for the respondents submits that as per the Joint Note the Bank provided an opportunity for making 2nd option to all those employees who retired from service on or after 29.9.1995 in case of Nationalized Banks and 26.3.1996 in case of Associate Banks of State Bank of India under the special scheme after rendering service of 15 years. When large number of employees who retired without exercising any option for pension were given an opportunity, we see no reason as to why one category of employees who retired under the ''Exit Option Scheme'' should be denied the benefit. In the ''Exit Option Scheme'', although the title is ''exit option'', but it is a kind of voluntary retirement scheme since the scheme itself mentioned that the scheme is ''voluntary''. Since the opportunity of giving 2nd option being extended to a large number of employees and the petitioners being covered by the conditions as mentioned in Clause-7 of the Joint Note, they are entitled for pension. The learned Single Judge did not commit any error.

Under such circumstances, we are of the view that the learned Single Judge has not committed any error in allowing the writ petition. Accordingly, this writ appeal is dismissed.