

(2015) 05 P&H CK 0435

In the Punjab And Haryana At Chandigarh

Case No : CWP Nos. 1038, 2581, 2937, 3501, 3787, 4705, 4707, 5570, 11560, 11704, 11781, 12610, 7288, 7467, 16872, 17731, 15853, 22201, 27296, 27458, 28203, 28266 of 2013 and 6392, 6351, 229, 11166, 644 of 2014 and 6580 of 2015 (O&M)

Vijay Kumar Kapil and Others

APPELLANT

Vs

Punjab State Cooperative Bank Ltd. and Others

RESPONDENT

Date of Decision : 19-05-2015

Acts Referred:

Constitution of India, 1950 — Article 12

Citation : (2015) 3 SCT 319

Hon'ble Judges : Jitendra Chauhan, J

Bench : Single Bench

Advocate : Varinder Kumar Shukla, Dinesh Kumar, Kulbir Sekhon and Amit Arora, for the Appellant; Harsimrat Rai, DAG, Gurminder Singh and J.S. Gill, Advocates for the Respondent

Final Decision : Disposed off

Judgement

Jitendra Chauhan, J—The petitioners herein have laid challenge to Annexure P-4, the public notice issued by the respondents whereby, an information has been sent that the Cooperative Bank Employees Pension Scheme, 2005, (hereinafter referred to as the "pension scheme"), is going to be discontinued w.e.f. January 2013 onwards. The pension scheme was introduced with the aims and objectives of providing financial assistance to the retired employees and their families with the prior approval of the Registrar of Cooperative Societies, Punjab. The precise grievance of the petitioners is that the aforesaid scheme of pension has been unilaterally withheld without the approval of the Registrar, Cooperative Societies, ignoring the aims and objects of launching the scheme.

2. On the other hand, the learned counsel for the respondents submit that the present petition is not maintainable in view of the law laid down by the Hon'ble Apex Court in S.S. Rana Vs. Registrar, Co-operative Societies and Another,

(2006) 5 JT 186 : (2006) 4 SCALE 638 : (2006) 11 SCC 634 : (2006) 2 SCR 311 Supp : (2006) 3 SLJ 334 as well as by this Court in Baldev Krishan Gupta v. State of Punjab and others, rendered in CWP No. 10054 of 2013, decided on 11.03.2015.

3. I have heard learned counsel for the parties.

4. The pension scheme is a benevolent act of the respondents for its retired employees. The petitioners who are beneficiaries of the scheme were involved in the process of formulating the scheme, which was ultimately initiated after the approval of the Registrar, Cooperative Societies. The notice of withdrawal of the pension scheme, Annexure P-4, was issued without issuing any show-cause notice to the petitioners. The unilateral act of withdrawing of pension scheme is assailed by the petitioners.

5. It has been held in PEPSU Road Transport Corporation, Patiala Vs. Mangal Singh and Others, AIR 2011 SC 1974 : (2011) 129 FLR 1101 : (2011) 3 LLJ 308 : (2011) 6 SCALE 53 : (2011) 11 SCC 702 : (2011) 2 SCC(L&S) 322 : (2011) 4 UJ 2516 : (2011) AIRSCW 3197 : (2011) 4 Supreme 1 that pension is a retirement benefit and not a bounty. It is claimable as a matter of right, yet the right is not absolute or unconditional. It is earned for rendering a long and satisfactory service. It is in the nature of deferred payment for past services. It is a social security plan consistent with the socio-economic requirement of the Constitution when the employer is a State within the meaning of Article 12 of the Constitution rendering social justice to a superannuated government servant. It is a right attached to the office and cannot be arbitrarily denied.

6. Without advertting to the issue of maintainability of the present petitions, this Court feels that the pension scheme, a benevolent act of the employer, ought not have been discontinued unilaterally.

7. In the circumstances, the petitioners are relegated to raise their grievance before the competent authority, as per law. However, keeping in view the fact that the petitioners are all retirees and have contributed towards the scheme of pension, they will continue to get the pension under the scheme, till the finalization of the proceedings before the competent authorities.

Disposed of.