

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 313 OF 2014

Krishnakumar Harendranath Dhargave

-vs-

The Chairman & Managing Director, Bank of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.B.B.Meshram, counsel for the petitioner.
Mr.R.N.Sen, counsel for the respondent Nos.1 to 3.

CORAM : SMT. VASANTI A. NAIK &
A.M.BADAR, JJ.

DATE : 01.04.2015.

By this petition, the petitioner seeks a direction to the respondent-Bank for releasing the full pension amount to the petitioner instead of 2/3rd amount of pension as paid to him.

The petitioner was dismissed from service after serious charges in regard to the dereliction of duty and huge loss caused to the respondent-Bank due to the negligence on the part of the petitioner, were proved. The petitioner filed an appeal and in the appeal, after taking a sympathetic view in the matter, the appellate authority converted the punishment of dismissal to compulsory retirement from service. After the petitioner was compulsorily retired, the Board of Directors decided to grant 2/3rd pension to the petitioner. The petitioner has challenged the action of the respondents of granting 2/3rd pension instead of full pension.

On hearing the learned counsel for the parties and on a perusal of the Bank of Maharashtra (Employees') Pension Regulations 1995, specifically Regulation 33 thereof,

it appears that the petitioner does not have a right to seek full pension. According to Regulation 33, an employee, who is compulsorily retired from service, as a penalty after 1993 in terms of the Regulations, is entitled to not less than 2/3rd pension and not more than full pension. It appears that on a consideration of the case of the petitioner along with several other employees, the Board of Directors, after consultation, decided to grant 2/3rd pension to the petitioner. We find that the grant of 2/3rd pension to the petitioner is not in violation of the provisions of Regulation 33 of the Regulations of 1995. It appears that on a consideration of the misconduct proved against the petitioner, the Board of Directors had decided to grant 2/3rd pension to the petitioner. Merely because some other employees, who are compulsorily retired are granted full pension, the petitioner cannot seek full pension as the provisions of Regulation 33 provide that the minimum pension payable in case of compulsorily retired employees is 2/3rd and the maximum payable would be full pension. It is within the discretion of the Board of Directors to decide whether a compulsorily retired employee, after holding a departmental enquiry, is entitled to 2/3rd pension or more than 2/3rd pension up to full pension. We cannot interfere with the discretion exercise by the Board of Directors in granting 2/3rd pension to the petitioner, in exercise of the writ jurisdiction.

In the result, the writ petition fails and is dismissed with no order as to costs.

JUDGE

JUDGE