

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

W.P.(C).No.10604 of 2014 (A)

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PETITIONER(S):-

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1. V.K. SUSHA KUMARI,  
[RETIRED CHIEF MANAGER (LAW), STATE BANK OF TRAVANCORE,  
ZONAL OFFICE, KOZHIKODE],  
RESIDING AT JAYAPADMAM,  
KANNANKARA ESTATE, SANTHIGIRI.P.O.  
THIRUVANANTHAPURAM-695549.
2. P. GANESAN,  
[RETIRED MANAGER, M.M.G.S.III, ZONAL OFFICE  
CHENNAI],  
RESIDING AT 5/120 F, DHANAM GARDEN  
THIRUPATHY GOWDANUR, A.P. PATTI.P.O., SALEM, PIN-636302.
3. GOPALAKRISHNAN NAIR.A.K.,  
[RETIRED DEPUTY MANAGER (ACCOUNTS)  
STATE BANK OF TRAVANCORE, OACHIRA],  
RESIDING AT 34/1036 A, 'SREEPADMAM'  
BEENA ANCHUMANA ROAD, EDAPPALLY,KOCHI-682024.
4. K. SHANKER,  
[RETIRED DEPUTY MANAGER (ACCOUNTS)  
STATE BANK OF TRAVANCORE, THAMARAKULAM],  
RESIDING AT 'VAISHNAV', SOUTH FORT,  
MAVELIKKARA-690101.
5. N. VISWAMITHRAN,  
[RETIRED DEPUTY MANAGER (ACCOUNTS),  
STATE BANK OF TRAVANCORE, PERRUMANOOR BRANCH],  
RESIDING AT VELUTHARA, AROOKUTTY.P.O.,  
ALAPPUZHA DISTRICT, PIN-688535.

6. PAULSON.K.P.,  
[RETIRED CHIEF MANAGER, CREDIT CELL, ZONAL OFFICE  
ERNAKULAM],  
RESIDING AT 1729-B, KOCHERY, MALIYEKAL ROAD  
THEVARA.P.O., ERNAKULAM, KOCHI-682013.

BY ADVS.SRI.S.P.ARAVINDAKSHAN PILLAY  
SMT.N.SANTHA  
SRI.K.A.BALAN  
SRI.PETER JOSE CHRISTO  
SRI.S.A.ANAND  
SMT.L.AMMU PILLAI.

RESPONDENT(S):-

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1. STATE BANK OF TRAVANCORE,  
HEAD OFFICE, POOJAPPURA.P.O.,  
THIRUVANANTHAPURAM - 695 012,  
REPRESENTED BY ITS MANAGING DIRECTOR.
  2. INDIAN BANKS ASSOCIATION,  
WORLD TRADE CENTRE COMPLEX, CENTRE I, 6TH FLOOR,  
CAFE PARADE, MUMBAI, PIN - 400 006,  
REPRESENTED BY ITS SECRETARY.

R1 BY ADV. SRI.P.RAMAKRISHNAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
06-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**APPENDIX**

PETITIONER(S)' EXHIBITS:-

- EXT.P1. TRUE COPY OF THE RELEVANT EXTRACT OF THE STAFF CIRCULAR NO.5/2006 DATED 31-1-2006 ISSUED BY THE SBT.
- EXT.P2. TRUE COPY OF THE JOINT NOTE CONTAINING THE AGREEMENT DATED 27-4-2010.
- EXT.P3. TRUE COPY OF THE STAFF CIRCULAR NO. 21/2010 DATED 17-9-2010 ISSUED BY THE SBT.
- EXT.P4. TRUE COPY OF THE CIRCULAR NO. PAD/5/2013 DATED 9-2-2013 ISSUED BY THE SBT.
- EXT.P5. TRUE COPY OF THE LETTER NO. ACTS/PPG/774 DATED 22-12-10 OF THE CHIF MANAGER (PPG) SBT.
- EXT.P6. TRUE COPY OF THE LETTER NO. ACTS/PPG/1368 DATED 7-5-2013 OF THE DEPUTY GENERAL MANAGER (F&A).
- EXT.P7. TRUE COPY OF THE WORK SHEET OF THE 2ND PETITIONER PREPARED BY THE SBT.
- EXT.P8. TRUE COPY OF THE WORK SHEET OF THE 3RD PETITIONER PREPARED BY THE SBT.
- EXT.P9. TRUE COPY OF THE WORK SHEET OF THE 4TH PETITIONER PREPARED BY THE SBT.
- EXT.P10. TRUE COPY OF THE WORK SHEET OF THE 5TH PETITIONER PREPARED BY THE SBT.
- EXT.P11. TRUE COPY OF THE LETTER NO. ACTS/PPG/7313 DATED 2-12-2013 OF THE DEPUTY GENERAL MANAGER (F&A).
- EXT.P12. TRUE COPY OF THE LETTER NO. ACTS/PPG/7311 DATED 2-12-2013 OF THE DEPUTY GENERAL MANAGER (F&A).
- EXT.P13. TRUE COPY OF THE LETTER NO. ACTS/PPG/7310 DATED 2-12-2013 OF THE DEPUTY GENERAL MANAGER (F&A).
- EXT.P14. TRUE COPY OF THE LETTER NO. ACTS/PPG/7312 DATED 2-12-2013 OF THE DEPUTY GENERAL MANAGER (F&A)

RESPONDENT(S)' EXHIBITS:-

NIL.

Vku/-

[ true copy ]

K. Vinod Chandran, J

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W.P.(C).No.10604 of 2014-A  
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Dated this the 06<sup>th</sup> day of October, 2015

**JUDGMENT**

The petitioners were persons who voluntarily retired from the service of the respondent-Bank under an “Exit Option Scheme” of 2006, produced at Exhibit P1. The respondent-Bank is covered by the State Bank of Travancore (Employees') Pension Regulations, 1995 [for brevity “Pension Regulations”], under which the petitioners did not apply. Subsequently, a Joint Note, at Exhibit P2, was brought in, wherein persons who had not applied for pension were permitted to opt for pension. However, an exclusion was made with respect to employees who retired after 2006. Many employees so retired under the Exit Option Scheme had challenged the said exclusion in W.P.(C).No.22452 of 2011, in which the exclusion was set aside by judgment dated 17.11.2014. The said judgment has also been upheld by the Division Bench in W.A.No.129 of 2015.

2. In the above circumstances, respectfully following the aforesaid decision, the instant writ petition is allowed. The petitioners shall also be entitled to apply under the Joint Note, Exhibit P2. The consequential orders and disbursement of arrears due shall be made within a reasonable time.

**Sd/-**

K.Vinod Chandran  
Judge.

vkul/-

[ true copy ]