IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A.Nos.805 and 806 of 2015

1.N.Ganapathy
2.R.Sumithra
3.Parvathy
4.Krishnaveni Krishnan
5.K.Veidehi
6.K.N.Krishnamurthy
7.C.B.Dhruva
8.Pallavaram Srinivasan Pushpalatha
9.M.Ramar
10.T.Soundararajan .. Appellants in both writ appeals

Vs.

1.State Bank of Hyderabad,
rep by the Managing Directors,
Head Office, Gun Foundary,
Hyderabad-500 001.
2.The Competent Authority
for Pension Regulation,
(Chief Manager P.P.G.Department),
State Bank of Hyderabad,
Head Office, Gun Foundary,
Hyderabad-500 001.
3.Indian Bank's Association,
World Trade Centre, 6th Floor,
Central I Building,
World Trade Centre Complex,
Cuff Parade,
Mumbai-400 005. .. Respondents in both writ appeals

Both writ appeals are preferred under Clause 15 of the Letters Patent against the order of this court dated 19.3.2014 made in W.P.Nos.18655 and 18656 of 2010.

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Declaration declaring paragraph 11.05 reading “The benefit of increased qualifying service as provided under regulation 29 (5) of State Bank of Hyderabad (Employee) Pension

Regulations 1995 will not be applicable to those employees who seek voluntary retirement under the Scheme of State Bank of Hyderabad (Employees) Voluntary Retirement Scheme 2001 (SBHVRS) published by the first respondent bank under their S.No.491 Circular No. PER/2000/2001/87 dated 25.01.2001 as ultravires the statutory State Bank of Hyderabad (Employees) Pension Regulations 1995 and hence void and consequently directing the Second Respondent to pay the petitioners revised amount of Basic Pension and the difference in the amount of commutation of pension resulting from increase in qualifying service as laid down in Sub-regulation (5) of Regulation 29 of the State Bank of Hyderabad (Employee) Pension Regulation, 1995, with Interest at a rate to be determined by this Court.

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the Second Respondent Bank to pay the petitioners revised amount of Basic Pension and the consequent difference in the amount of commutation of pension resulting from increase in qualifying service as laid down in sub-regulation (5) of Regulation 29 of the State Bank of Hyderabad (Employees) Pension Regulations 1995 with interest at a rate to be determined by this Honble Court.

For Appellants : Mr.C.R.Candrasekaran

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COMMON JUDGMENT

(Judgment of the Court was made by SATISH K. AGNIHOTRI, J.)

Challenge in these appeals are to the common order dated 19.3.2014 passed in W.P.Nos.18655 and 18656 of 2010.

2 The writ petitioners /appellants have preferred writ petitions in W.P.Nos.18655 and 18656 of 2010, seeking for a writ of declaration to declare 11.05 reading "The benefit of increased qualifying service as provided under regulation 29(5) of State Bank of Hyderabad (Employees') Pension Regulations, 1995 will not be applicable to those employees who seek voluntary retirement under the Scheme"of State Bank of Hyderabad (Employees') Voluntary Retirement scheme, 2001 (SBHVRS)", as ultravires and further seeking a direction to pay the revised amount of basic pension and the consequent difference in the amount of commutation of pension arising on the basis of increased qualifying service, as provided under Regulation 29(5) of State Bank of Hyderabad (Employees') Pension Regulations, 1995.

3 The indisputable facts are that the petitioners were allowed to retire from service on 31.3.2001 under voluntary retirement scheme. They availed all consequential benefits. The Voluntary Retirement Scheme introduced on 25.1.2001 specifically excluded the benefit as contemplated under sub regulation (5) of Regulation 29 of State Bank of Hyderabad (Employees') Pension Regulations, 1995 and as such, the petitioners were not entitled to get five years of

additional notional service benefits, after a period of nine years in the instant writ petitions preferred with an inordinate laches and delay.

4 We have examined the facts of the case on consideration of the submissions advanced by the learned counsel appearing for the writ petitioners / appellants and also the documents enclosed herewith.

5 The learned Single Judge had rejected the petitions on the ground that there was no explanation for such a long inordinate delay of nine years, and as such, the petitioners are not entitled to any consideration on the issue which ought to have been agitated immediately after the petitioners felt entitled to.

6 We are in entire agreement with the view taken by the learned Single Judge. The writ petitioners have failed to produce any material to justify the reasons for such an inordinate laches and delay and as such, at this stage, the issue which stood concluded and settled in the year 2001 cannot be reopened. The appellants have not produced any material or reason for condonation of laches and delay, as aforestated.

7 Resultantly, both the writ appeals sans merit and accordingly, they are dismissed. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Managing Director,
State Bank of Hyderabad,
Head Office, Gun Foundary,
Hyderabad-500 001.

2.The Competent Authority
for Pension Regulation,
(Chief Manager P.P.G.Department),
State Bank of Hyderabad,
Head Office, Gun Foundary,
Hyderabad-500 001.

3.Indian Bank's Association,
World Trade Centre, 6th Floor,
Central I Building,
World Trade Centre Complex,
Cuff Parade,
Mumbai-400 005.

+1 cc to M/s.C.R.Chandrasekaran, Advocate,SR.31137.

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krd 1/7 W.A.Nos.805 and 806 of 2015