

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

CWP No.12500 of 1997

Date of Decision:- 02.09.2015.

Dharam Pal Verma

.....Petitioner

Versus

UCO Bank and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Rahul Sharma, Advocate for the petitioner.

Mr. Vinod Kataria, Advocate for  
the respondents.

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**P.B. BAJANTHRI, J.**

1.) In this petition, the short question for consideration is whether an employee who has resigned the post is entitled for retiral benefits or not?

2.) The petitioner is stated to have joined service of UCO Bank on 14.7.1959. He resigned the post held by him on 30.11.1991. Thereafter, he had requested to extend retiral benefits. It is stated that the petitioner has opted for pension scheme and he has been granted gratuity and other benefits. Therefore, he is entitled to pensionary benefits.

3.) Regulation 22 of UCO Bank (Employees') Pension

Regulations, 1995 dated 29.9.1995 is reproduced hereunder:-

***“22. Forfeiture of service – (1)***

*Resignation or dismissal or removal or termination of an employee from the service of the Bank shall entail forfeiture of his entire past service and consequently shall not qualify for pensionary benefits;*

*(2) An interruption on the service of a Bank employee entails forfeiture of his past service, except in the following cases, namely :-*

*(a) authorised leave of absence;*

*(b) suspension, where it is immediately followed by reinstatement, whether in the same or a different post, or where the bank employee dies or is permitted to retire or is retired on attaining the age of compulsory retirement while under suspension;*

*(c) transfer to non-qualifying service in an establishment under the control of the Government or Bank if such transfer has been ordered by a competent authority in the public interest;*

*(d) joining time while on transfer from one post to another.*

*(3) Notwithstanding anything contained in sub-regulation (2), the appointing authority may, by order, commute retrospectively the periods of absence without leave as extraordinary leave.*

*(4) (a) In the absence of a specific indication to the contrary in the service record, an interruption*

*between two spells of service rendered by a bank employee shall be treated as automatically condoned and the pre-interruption service treated as qualifying service;*

*(b) Nothing in clause (a) shall apply to interruption caused by resignation, dismissal or removal from service or for participation in a strike;”*

4.) The aforesaid Regulation specifically denies pensionary benefits to those employees resigned the post.

5.) Learned counsel for the respondents vehemently submitted that in view of Regulation 22 and decision of the Apex Court passed in **UCO Bank and others Vs. Sanwar Mal 2004(2) SCT 440**, the petitioner is not entitled for the relief sought in the present petition. It is also to be noted that the petitioner has not questioned Regulation 22 of the 1995 Regulations. As long as Regulation 22 is intact, petitioner is not entitled for the retiral benefits, since he has resigned the post.

6.) Accordingly, the writ petition is dismissed.

**(P.B. BAJANTHRI)**  
**JUDGE**

**September 02, 2015.**

*sandeep sethi*