IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Writ Petition No. 13482 of 2011 (O&M)
Date of decision : October 06, 2015

Inderjit Bhanot ....Petitioner

Versus

The Chairman, Punjab National Bank, and others ....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. S.K. Sharma, Advocate
for the petitioner.

Mr. Saurav Verma, Advocate
for the respondents.

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LISA GILL, J.

Prayer in this petition is for release of bank's contribution towards provident fund which was due towards the petitioner at the time he was permitted voluntary retirement on 20.12.2000.

Petitioner was appointed as Clerk-cum-Cashier-cum-Godown keeper by the respondent – Punjab National Bank vide appointment letter dated 16.12.1987. He joined the Bank on 24.12.1987. He sought voluntary retirement and his application was accepted on 20.12.2000. Petitioner subsequently sought to withdraw his application seeking voluntary retirement, however, the same was not permitted.

CWP No. 6749 of 2001 filed by the petitioner challenging rejection of application for withdrawl of request for voluntary retirement was dismissed by this Court. LPA No. 182 of 2007 preferred by the petitioner met the same fate. SLP (Civil) No. 19947 of 2007 filed by the petitioner was also dismissed on 02.11.2007. Petitioner's claim for pension was also denied on the ground that he did not complete the qualifying service as stipulated in the rules.

Petitioner, thereafter, submitted a representation that bank's contribution towards provident fund as due to him at the time of voluntary retirement should be released. He placed reliance on order dated 24.02.2011 in Civil Appeal No. 2132 of 2011 **(Regional Manager, Punjab National Bank and another versus Dharam Pal Singh)** (Annexure P-1) Vide above said decision, Hon'ble Supreme Court negated the claim of pension to said Dharam Pal Singh, who had sought voluntary retirement on the ground that he did not complete the qualifying service stipulated in the rules. While setting aside the judgment of the High Court whereby pension had been afforded to the petitioner, it was held that he was, however, entitled to receive bank's contribution of the provident fund at the time of retirement. Relevant part of the decision dated 24.02.2011 reads as under:-

> " From the materials on record, however, it appears that the respondent has not been paid the amount of the Bank's contribution towards his provident fund and that amount has instead been transferred to the pension fund. The respondent was entitled to receive the amount of the Bank's Contribution towards provident fund at the time of

> his voluntary retirement. The amount being wrongly withheld, we direct that the entire amount be paid to the respondent, alongwith simple interest @ 10% per annum, within six weeks from today.
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> The Civil Appeal is, accordingly, allowed subject to the direction with regard to the payment of the aforesaid amount."

Petitioner's claim for release of the bank's contribution towards his provident fund has been rejected on 18.06.2011 (Annexure P-5) solely on the ground that he was not a party to the Special Leave Petition in the matter of Shri Dharam Pal Singh. It is specifically stated in the impugned memo dated 18.06.2011 (Annexure P-5) that:

> " In the matter, it is informed that the matter was taken up with Higher Authorities who have decided that your request cannot be acceded to by the bank keeping in view the fact that you are not a party to the SLP in the matter of Shri Dharam Pal Singh."

Learned counsel for the respondent vehemently argues that in view of the judgment dated 03.05.2007 by the High Court in Dharam Pal Singh's case being set aside by the Hon'ble Supreme Court in Civil Appeal No. 2132 of 2011, petitioner is not entitled to any benefit whatsoever. There is no such direction in the petitioner's favour even though he had approached this Court as well the Hon'ble Supreme Court earlier, therefore, no relief can be granted to him. It is further submitted that the employer's contribution to the provident fund has been deposited with the Pension Fund Trust created under Statutory Pension Regulations, 1995. Pension can be released to the members only as per Regulation 28 of the Pension Regulation 1995. Present petitioner is not entitled to receive pension. Amount deposited with the pension fund cannot be withdrawn by the respondents. Therefore the same cannot be paid to the petitioner. He further relies on judgment of Hon'ble Supreme Court in ***Punjab National Bank and others versus Ram Kishan*** 2015 (1) SCC (L&S) 426 to buttress his argument.

Having heard learned counsel for the parties and going through the file, it is apparent that the petitioner does not stake any claim to pension. His case already having been rejected up to the Hon'ble Supreme Court, his limited claim is that of release of bank's contribution of provident fund. It is undeniable that it is the claim for pension under Regulation 28 of the Pension Regulation, 1995 which has been rejected in the case of Dharam Pal Singh as well as the petitioner.

In Ram Kishan's case (supra), the Hon'ble Supreme Court has yet again reiterated the fact that no pension can be released to an employee not covered under the said regulation, not having completed the required minimum years of service.

Learned counsel for the respondents is, however, unable to point out any ground whatsoever for denying the limited relief granted by the Hon'ble Supreme Court in Civil Appeal No. 2132 of 2011 (Annexure P-1). There is no rule or regulation which has been brought to my notice, which prohibits release of the bank's contribution towards provident fund of the petitioner. Petitioner's case has been rejected simply on the ground that he was not a party in to proceedings in the matter of Dharam Pal Singh. Such a plea is clearly untenable, unjustified and hence unacceptable.

Keeping in view the facts and circumstances of this case, it is considered just and expedient to direct the respondents to release bank's contribution towards provident fund of the petitioner alongwith simple interest at the rate of 10% per annum within two months from receipt of certified copy of this order.

Present petition is, accordingly, disposed of.

(Lisa Gill)
Judge

October 06, 2015
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