

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

(1) CWP-1038-2013 (O&M)
Reserved on : 06.05.2015
Date of decision : 19.05.2015

Vijay Kumar Kapil and others

...Petitioners

Versus

Punjab State Cooperative Bank Ltd. and others

...Respondents

(2) CWP-2581-2013 (O&M)
Reserved on : 06.05.2015
Date of decision : 19.05.2015

Sewa Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

(3) CWP-2937-2013 (O&M)
Reserved on : 06.05.2015
Date of decision : 19.05.2015

Desh Sewak Kalia and others

...Petitioners

Versus

The Punjab State Cooperative Bank Ltd. and others

...Respondents

(4) CWP-3501-2013 (O&M)
Reserved on : 06.05.2015
Date of decision : 19.05.2015

Sukhbir Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

(5) CWP-3787-2013 (O&M)
Reserved on : 06.05.2015
Date of decision : 19.05.2015

Vijay Kumar Bhaskar and others

...Petitioners

Versus

The Punjab State Cooperative Bank Ltd. and others

...Respondents

(6) CWP-4705-2013 (O&M)
Reserved on : 06.05.2015
Date of decision : 19.05.2015

Surjit Singh and others

...Petitioners

Versus

The Punjab State Cooperative Bank Ltd. and others

...Respondents

(7) CWP-4707-2013 (O&M)
Reserved on : 06.05.2015
Date of decision : 19.05.2015

Parlad Rai and others

...Petitioners

Versus

The Punjab State Cooperative Bank Ltd. and others

...Respondents

(8) CWP-5570-2013 (O&M)
Reserved on : 06.05.2015
Date of decision : 19.05.2015

Mohinder Pal Bhalla and others

...Petitioner

Versus

The Punjab State Cooperative Bank Ltd. and others

...Respondents

(9) CWP-11560-2013 (O&M)

Reserved on : 06.05.2015

Date of decision : 19.05.2015

Amarjit Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

(10) CWP-11704-2013 (O&M)

Reserved on : 06.05.2015

Date of decision : 19.05.2015

Sukhjeet Singh Chahal and others

...Petitioners

Versus

The Punjab State Cooperative Bank Ltd. and others

...Respondents

(11) CWP-11781-2013 (O&M)

Reserved on : 06.05.2015

Date of decision : 19.05.2015

Surjit Singh Bedi and others

...Petitioners

Versus

The Punjab State Cooperative Bank Ltd. and others

...Respondents

(12) CWP-12610-2013 (O&M)

Reserved on : 06.05.2015

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Date of decision : 19.05.2015

Mukhtiar Singh and others

...Petitioners

Versus

Punjab State Cooperative Bank Ltd. and others

...Respondents

(13) CWP-7288-2013 (O&M)

Reserved on : 06.05.2015

Date of decision : 19.05.2015

Harjinder Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

(14) CWP-7467-2013 (O&M)

Reserved on : 06.05.2015

Date of decision : 19.05.2015

Kulwant Singh and another

...Petitioners

Versus

The Punjab State Cooperative Bank Ltd. and others

...Respondents

(15) CWP-16872-2013 (O&M)

Reserved on : 06.05.2015

Date of decision : 19.05.2015

Subhash Chander

...Petitioner

Versus

The State of Punjab and others

...Respondents

(16) CWP-17731-2013 (O&M)

Reserved on : 06.05.2015

Date of decision : 19.05.2015

Sarmail Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

(17) CWP-15853-2013 (O&M)

Reserved on : 06.05.2015

Date of decision : 19.05.2015

Ram Chander Sharma and others

...Petitioners

Versus

The Punjab State Cooperative Bank Ltd. and others

...Respondents

(18) CWP-22201-2013 (O&M)

Reserved on : 06.05.2015

Date of decision : 19.05.2015

Jagdish Rai and others

...Petitioners

Versus

The State of Punjab and others

...Respondents

(19) CWP-27296-2013 (O&M)

Reserved on : 06.05.2015

Date of decision : 19.05.2015

S.P.S. Dhindsa and others

...Petitioners

Versus

The State of Punjab and others

...Respondents

(20) CWP-27458-2013 (O&M)

Reserved on : 06.05.2015

Date of decision : 19.05.2015

Roop Singh

...Petitioner

Versus

The Punjab State Cooperative Bank Ltd. and others

...Respondents

(21) CWP-28203-2013 (O&M)

Reserved on : 06.05.2015

Date of decision : 19.05.2015

Baldev Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

(22) CWP-28266-2013 (O&M)

Reserved on : 06.05.2015

Date of decision : 19.05.2015

Padam Parkash Jain and others

...Petitioners

Versus

The State of Punjab and others

...Respondents

(23) CWP-6392-2014 (O&M)

Reserved on : 06.05.2015

Date of decision : 19.05.2015

Sukhjinder Singh Kler

...Petitioner

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Versus

The Punjab State Cooperative Bank Ltd. and others

...Respondents

(24) CWP-6351-2014 (O&M)

Reserved on : 06.05.2015

Date of decision : 19.05.2015

Puran Singh Sandhu

...Petitioner

Versus

The State of Punjab and others

...Respondents

(25) CWP-229-2014 (O&M)

Reserved on : 06.05.2015

Date of decision : 19.05.2015

Joginder Singh

...Petitioner

Versus

The Punjab State Cooperative Bank Ltd. and others

...Respondents

(26) CWP-11166-2014 (O&M)

Reserved on : 06.05.2015

Date of decision : 19.05.2015

Bhrigu Kulbhushan and another

...Petitioners

Versus

The Punjab State Cooperative Bank Ltd. and others

...Respondents

(27) CWP-644-2014 (O&M)

Reserved on : 06.05.2015

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Date of decision : 19.05.2015

Lakhbir Singh and another

...Petitioners

Versus

The State of Punjab and others

...Respondents

(28) CWP-6580-2015 (O&M)

Reserved on : 06.05.2015

Date of decision : 19.05.2015

Surinder Mohan Devgan

...Petitioner

Versus

The Punjab State Cooperative Bank Ltd. and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Varinder Kumar Shukla, Advocate,
Mr. Dinesh Kumar, Advocate,
Mr. Kulbir Sekhon, Advocate,
Mr. Amit Arora, Advocate,
for the petitioners.

Ms. Harsimrat Rai, DAG, Punjab.

Mr. Nitin Kaushal, Advocate,
for respondent Nos.1 and 4 in CWP-6580-2015.

Mr. Arvinder Singh, Advocate,
for respondent No.8 in CWP-22201-2013.

Mr. Gurminder Singh, Sr. Advocate,
with Mr. J.S. Gill, Advocate,
for respondent Nos.1 and 4
in CWP Nos.1038 and 2581 of 2013.

Mr. J.S. Toor, Advocate,
for respondent No.2,
in CWP Nos.1038-2013 and 6580-2015.

Mr. R.S. Pandher, Advocate,
for the Punjab Coop. Bank Employees Pension Trust.

Mr. Ashwani Prashar, Advocate,
for respondent Bank and Board of Directors,
except in CWP No.1038 of 2013.

JITENDRA CHAUHAN, J.

The petitioners herein have laid challenge to Annexure P-4, the public notice issued by the respondents whereby, an information has been sent that the Cooperative Bank Employees Pension Scheme, 2005, (hereinafter referred to as the 'pension scheme'), is going to be discontinued w.e.f. January 2013 onwards.

The pension scheme was introduced with the aims and objectives of providing financial assistance to the retired employees and their families with the prior approval of the Registrar of Cooperative Societies, Punjab. The precise grievance of the petitioners is that the aforesaid scheme of pension has been unilaterally withheld without the approval of the Registrar, Cooperative Societies, ignoring the aims and objects of launching the scheme.

On the other hand, the learned counsel for the respondents submit that the present petition is not maintainable in view of the law laid down by the Hon'ble Apex Court in *S.S. Rana Vs. Registrar, Cooperative Societies and another*, 2006(2) S.C.T. 570 as well as by this Court in *Baldev Krishan Gupta Vs. State of Punjab and others*, rendered in CWP No.10054 of 2013, decided on 11.03.2015.

I have heard learned counsel for the parties.

The pension scheme is a benevolent act of the respondents for its retired employees. The petitioners who are beneficiaries of the scheme were involved in the process of formulating the scheme, which was ultimately initiated after the approval of the Registrar, Cooperative Societies. The notice of withdrawal of the pension scheme, Annexure P-4, was issued without issuing any show-cause notice to the petitioners. The unilateral act of withdrawing of pension scheme is assailed by the petitioners.

It has been held in *Pepsu Road Transport Corporation*,

Patiala Vs. Mangal Singh and others, 2011 AIR (SCW) 3197 that pension is a retirement benefit and not a bounty. It is claimable as a matter of right, yet the right is not absolute or unconditional. It is earned for rendering a long and satisfactory service. It is in the nature of deferred payment for past services. It is a social security plan consistent with the socio-economic requirement of the Constitution when the employer is a State within the meaning of Article 12 of the Constitution rendering social justice to a superannuated government servant. It is a right attached to the office and cannot be arbitrarily denied.

Without adverting to the issue of maintainability of the present petitions, this Court feels that the pension scheme, a benevolent act of the employer, ought not have been discontinued unilaterally.

In the circumstances, the petitioners are relegated to raise their grievance before the competent authority, as per law.

However, keeping in view the fact that the petitioners are all retirees and have contributed towards the scheme of pension, they will continue to get the pension under the scheme, till the finalization of the proceedings before the competent authorities.

Disposed of.

19.05.2015
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(JITENDRA CHAUHAN)
JUDGE