

CWP-17711-2015

Date of decision: October 15, 2015

PARSHOTAM SINGH

....Petitioner

VERSUS

PB STATE COOP BANK LTD & ORS

....Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Gurbachan Singh, Advocate
for the petitioner.LISA GILL, J.(ORAL)

Petitioner challenges the action of the respondents proposing to discontinue pension to the petitioner under Cooperative Bank Employees Pension Scheme, 2005 and grant it under Defined Contributory Pension Scheme of LIC as per public notice dated 30.11.2012, Annexure P-4.

Mr. Ajay Sood, Advocate appears on behalf of respondents No.1 & 4, Mr. P.S. Bajwa, Advocate on behalf of respondent No.2 and Mr. Harit Sharma, Advocate on behalf of respondent No.5.

Learned counsel for the respondents submit that the present writ petition is not maintainable in view of the decision of the Hon'ble Supreme Court in S.S. Rana vs. Registrar, Co-operative Societies and another, 2006(2) SCT 570 as well as the decision of this Court in Baldev Krishan Gupta vs. State of Punjab and others in CWP-10054 of 2013, decided on 11.03.2015. They submit that writ petition is not maintainable against the Punjab State Cooperative Bank Limited-respondent No.1 as well as The Jalandhar Central Cooperative Bank Limited-respondent No.5, as it is not an authority or instrumentality of the State within the meaning of Article 12 of the Constitution of India. In Baldev Krishan's case, supra it

has been specifically held that the Punjab State Cooperative Bank Limited being a cooperative society not owned, controlled or managed by appropriate government, is not amenable to writ jurisdiction.

Learned counsel for the petitioner is unable to deny his contention, however, he submits that relief as afforded to the retirees in CWP-1038 of 2013 and other connected matters decided on 19.05.2015 be afforded to the present petitioner as well. In the said cases, petitioners were relegated before the competent authority for redressal of their grievances. However, in the meantime, it was directed that petitioners will continue to get pension under the scheme, till finalization of the proceedings before the competent authorities. It is informed that no appeal has been preferred by the respondents challenging the said decision dated 19.05.2015.

In view of the above, present writ petition is disposed of in the same terms as the abovesaid petition.

Petitioner is relegated to his remedy before the competent authority for redressal of his grievance. In the meantime, he will continue to receive pension under the Cooperative Bank Employees Pension Scheme, 2005 till finalization of the proceedings before the competent authorities, provided he approaches the competent authority, within a period of eight weeks from date of receipt of certified copy of this order.

October 15, 2015
m. sharma

(LISA GILL)
JUDGE