* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ **W.P.(C) No.1678/2014**

% **18th March, 2015**

UDESH KUMAR CHAWLA ..... Petitioner

Through: Hitender Kapur, Advocate.

versus

UNION OF INDIA & ANR. ..... Respondent

Through: Mr.Vivek Goyal, CGSC with Mr.M.Tapan Sharma, Advocate for R-1/UOI.

Mr.Jagat Arora with Mr.Rajat Arora, Advocates for R-2.

CORAM:
HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

1. By this writ petition filed under Article 226 of the Constitution of India, petitioner, who is an ex-employee of the respondent no.2/Punjab National Bank, seeks the relief that he should be granted pension under the Punjab National Bank (Employees') Pension Regulations, 1995 (hereinafter referred to as 'the 1995 Pension Regulations') by being entitled to exercise option for pension in terms of the Circular no. 8/10 dated 16.8.2010 issued by respondent no.2/Bank. The petitioner who had already retired from the respondent no.2/Bank after taking voluntary retirement on 05.2.2001 was in

terms of this Circular no. 8/10 entitled to exercise the option afresh for pension within 60 days and in terms of para 10 of the Circular no. 8/10, this Circular no. 8/10 had to be specifically brought to the notice of the petitioner. Since para 10 of the Circular no. 8/10 is relevant, the same is reproduced hereunder:-

> " 10. Incumbents incharge of Branches/Divisional Heads of HO Divisions/Departments and Circle Heads of Circle Offices are requested to bring the contents of the Circular to the Notice of all Staff Members working at their Branch/Office and display the instructions on the Notice Board of the Branch/Office <u>and suitably inform about the same to the employees/officers who have retired</u> from their Branch/Office or also the employees on sabbatical leave/under suspension/gone abroad/long leave/unauthorizedly absent, etc. <u>at the last given/available address</u>. Employees/ Officers on deputation to other Banks/Departments be also informed at their present office of posting. They are also requested to extend necessary assistance to the retired employees/family members in the matter." (underlining added)

2. A reading of the aforesaid circular leaves no manner of doubt that a retired employee has to be specifically informed at the last given/available address that such retired employee is once again entitled to exercise option for grant of pension, and which is very logical inasmuch as a retired employee does not go to the branch of the bank where circulars are posted and he may also not read the newspaper, advertisements etc, and also that such a retired employee need not be in touch with any retired or working employees of the bank. It is for this reason that the para 10 of the Circular no. 8/10 requires that since option has to be exercised within 60 days, the

aspect of entitlement to exercise the option to be exercised within 60 days has to be specifically informed to the employee at the last given/available address. It is not in dispute that the respondent no.2/Bank in this case has only issued advertisements in the newspapers and has posted circulars in the different branches of the respondent no.2/Bank, but, admittedly the Circular no. 8/10 was not brought specifically to the notice of the petitioner as required in terms of the para 10 thereof, and therefore, the petitioner never came to be aware of the entitlement and requirement of exercising of option for taking the benefit of pension under the 1995 Pension Regulations of the respondent no.2/Bank.

3. Petitioner exercised the option after coming to know of the scheme vide his letter dated 31.8.2012, but the same was rejected by the respondent no.2/Bank only on the ground that the same was not exercised within 60 days of the Circular no. 8/10 dated 16.8.2010.

4. In view of the above, the respondent no.2/Bank shall treat the option exercised by the petitioner on 31.8.2012 as a valid option and now the respondent no.2/Bank will process the papers and the petitioner will do the needful which is required under the 1995 Pension Regulations of the respondent no.2/Bank including the deposit of requisite amounts within a period of 60 days from today, and then in which circumstance on the

petitioner making the requisite compliances, the petitioner will be entitled to the benefit of being granted pension. Petitioner must also complete the necessary papers which are required by the respondent no.2/Bank to be completed so that the petitioner can be granted pension.

5. The writ petition is accordingly allowed and disposed of in terms of the aforesaid observations.

MARCH 18, 2015 **VALMIKI J. MEHTA, J**
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