THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.850 of 2011

Dated : 18.07.2016

Between:

K.Narasaiah, S/o Sailu, Aged 51 years,
Occu: Cashier-cum-Clerk (Removed),
R/o. H.No.1-6-141/29/5/1, Sriram
Nagar Colony, New Bus Stand, Suryapet,
Nalgonda District.

…. Petitioner

And

State Bank of Hyderabad, Gunfoundry,
Abids, Hyderabad, rep.by its General
Manager (Finance & Accounts Dept.,)
and two others.

….Respondents

This Court made the following :

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ORDER :

Petitioner was an Ex-employee of State Bank of Hyderabad. Disciplinary proceedings initiated against the petitioner resulted in imposing punishment of removal from service by order dated 08.10.2003. Prior to his removal from service, the Bank has introduced the pension scheme. The pension scheme prescribes option to the serving employees to opt to come under the pension scheme or to avail the benefits as was in existence on the date of introduction of the scheme. Petitioner opted out from the purview of the pension scheme. On 27.04.2010, Indian Banks' Association has signed a Memorandum of Settlement with the Workmen Unions and Officers' Organisations extending another option for pension to all Bank employees in lieu of Contributory Provident Fund, who did not exercise option on the earlier occasion. By relying on the said Memorandum of Understanding, petitioner sought for extension of similar benefit to him and to permit him to exercise option to come under the revised pension scheme. The said request of the petitioner was rejected and decision was communicated to the petitioner vide letter dated 25.10.2010. Aggrieved by the said decision, this writ petition is instituted.

2. Heard Sri C.Yadagiri, learned counsel for petitioner and Sri G.Srikanth, counsel representing Sri Ch.Siva Reddy, counsel on record for respondents.

3. Learned counsel for petitioner contends that since the Memorandum of Understanding dated 27.04.2010 enables exercising option to come under the pension scheme to all those persons, who did not exercise such option in the first instance, rejecting the request of petitioner was erroneous. He, therefore, submits that petitioner should be given the revised option to come under the pension scheme and consequently to extend the benefits of revised pension scheme.

4. According to the respondents, memorandum of understanding dated 27.04.2010 clearly prescribes that second option is available to only such employees who were in service prior to 29.09.1995 in the case of the Nationalized Banks and are in service as on the date of settlement.

5. Learned counsel for petitioner fairly states that no challenge is made by the petitioner to the said clause incorporated in the said Memorandum of settlement.

6. In view of the specific condition imposed in the memorandum of settlement that person claiming second option to come over to the pension scheme ought to have been in service as on 27.04.2010 and since petitioner is not in service after the year 2003, he is not governed by the memorandum of settlement and, therefore, not entitled to exercise the second option. Therefore, I see no merit in the Writ Petition and is accordingly dismissed.

Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed. No costs.

P.NAVEEN RAO,J

Date: 18.07.2016
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