

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

**CWP No.7444 of 2010
Date of decision-03.06.2016**

Raman Chadha

...Petitioner

Vs.

Punjab National Bank and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE P.B.BAJANTHRI

Present: Mr. Jasbir Singh Chahal, Advocate
for the petitioner.

Mr. Sanjeev Bansal, Advocate
for the respondents.

P.B.BAJANTHRI, J. (Oral)

In instant writ petition the petitioner has prayed for quashing the impugned order Annexure P-6 dated 03.02.2010 and further prayed for directions to the respondent-Bank to release all the benefits in terms of the Supreme Court's decision in **Bank of India and another Vs. K.Mohandas and others reported as (2009) 5 SCC 313.**

The petitioner has joined the respondent-Bank on 29.12.1980. He has filed application for voluntary retirement in the month of December 2000. He was permitted to retire voluntarily on 22.12.2000 and was relieved on 27.12.2000. He would be completing 20 years of service on 31.12.2000.

He was permitted to take voluntary retirement before completion of 20 years. Therefore, the respondent-Bank have rejected the claim of the petitioner on 03.02.2010 stating that he has not completed 20 years of service in the Bank as directed in Regulation 29 (1) of the PNB Employees 'Pension Regulations' 1995.

Hence this petition.

Learned counsel for the petitioner submits that the voluntary retirement of an employee is permitted as and when he has completed 20 years of service. The respondent-Bank should have waited for acceptance of voluntary retirement till 31.12.2000, the date on which he would be completing 20 years of service. They have accepted voluntary retirement before completion of 20 years of service.

Further, Chapter No.IV-Qualifying Service reads as follows:-

“If the period of service of an employee includes broken period of service less than one year, then if such broken period is more than six months, it shall be treated as one year and if such broken period is six months or less it shall be ignored.

Provided that provisions of this regulation shall not apply for determining the minimum service required to make an employee eligible for pension.”

There is a provision for broken period of service of less than one year can be considered for the purpose of qualifying service.

In the present case, it is only three days short for completion of 20 years of service. In view of these facts and circumstances, Annexure P-6 is set aside.

The respondents are directed to reconsider the matter for having permitting the petitioner to take voluntary retirement before completion of 20 years.

Reconsider petitioner's claim within three months from the date of this order.

Disposed of.

(P.B.BAJANTHRI)
JUDGE

June 03, 2016
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