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

+ LPA 430/2015

PUNJAB NATIONAL BANK Appellant

Through Mr. Jagat Arora, Advocate.

versus

RAJENDER KUMAR Respondent

Through Mr. Harsh Sharma, Mr. Bharat Bhushan
& Mr. B.K. Saini, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

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25.07.2016

During the course of hearing, learned counsel for the parties have stated that paragraph 10.2 of the PNB Employees Voluntary Retirement Scheme, 2000 deals with and is for the purpose of calculating ex gratia. Clause 10.2 of the aforesaid scheme does not relate to the question of pension and whether or not an employee is entitled to pension under the Pension Regulations, 1995.

One of the issues, which requires consideration and answer, is whether the respondent employee had requisite fifteen years of qualifying service to be eligible under the Pension Regulations, 1995. The contention of the appellant-bank is that the respondent-employee does not have fifteen years of qualifying service and, therefore, would not be covered under the

Pension Regulations, 1995. This is disputed by the respondent-employee, who asserts that the appellants have erred and wrongly computed the total length of service rendered by the respondent-employee. Another issue, which requires examination, is whether in view of delay in approaching the Court, the respondent-employee would be entitled to benefit as prayed for.

In view of the statement made by the learned counsel for the parties, we set aside the impugned order dated 27th April, 2015 by which Writ Petition (C) No. 1356/2014 was disposed of relying upon paragraph 10.2 of the PNB Employees Voluntary Retirement Scheme, 2000, which as noted above, both counsel state is not the governing principle or the precept applicable.

The appeal is disposed of in the above terms.

To cut short delay, we direct the parties to appear before the learned single Judge on 24th August, 2016, when a date of hearing will be fixed.

SANJIV KHANNA, J.

SUNITA GUPTA, J.

JULY 25, 2016
VKR