IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 19038 of 2014

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Vidya Nand Pathak @ V.N. Pathak, Son of Late Raj Nath Pathak, Resident of Village & P.O. Birampur (Kritpura), P.S. Koelwar, District Bhojpur (Ara), At present residing at Mandir Bari, Adarshnagar, Konnagar P.O. Barabehera, District Hoogly (West Bengal).

.... Petitioner/s

Versus

1. The Chairman Central Bank of India.
2. The Chief Manager, Central Bank of India, Mumbai.
3. The General Manager, HRD, Central Office Chandra Mukhi, Nariman Point, Mumbai, Central Bank of India.
4. The Zonal Manager, Maura Lok, Patna, Central Bank of India.
5. The Regional Manager, Regional Office, Central Bank of India, Bisar Talab, Rameshwar Sinha Path, Gaya.
6. The Deputy Regional Manager, Central Bank of India.
7. The Senior Manager, Terminal Benefits Department, Central Bank of India, Regional Office, Gaya.
8. The Branch Manager, Central Bank of India, Ara.

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. M. K. Upadhyay, Advocate
For the Bank : Mr. Ajay Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT
Date: 22-05-2017

Heard learned counsel for the parties.

2. The petitioner has moved the Court for a direction to the respondent Bank to accept his option of pension which was rejected on the ground of delay in submission of application opting

for pension.

3. Learned counsel for the petitioner submitted that he is old and there was only 10 days delay in submission of the form and the petitioner living in the village was not fully aware of the time limit.

4. Learned counsel for the Bank submitted that a policy decision of the Bank was taken, by way of grace to its employees, who had retired, to opt for pension with a specific cut-off date mentioned. It was submitted that once the date had crossed, the Bank cannot show any compassion or indulgence as it would lead to many such cases and then the Bank would not be in a position to deny benefit to others. It was further submitted that the scheme relates to financial matters and once the Bank has taken a decision, it cannot leave such matters which have financial implication for the Bank to be kept open for an indefinite period.

5. In the considered opinion of the Court, in such financial matters where a policy is taken with a cut-off date, the Court would not interfere as it relates to financial implication and moreover when a scheme had come and the cut-off date known, it is presumed that persons are aware of such scheme and have to act in accordance with the terms. Even if it is accepted that such cut-off date was unknown to the petitioner, such being a pure question of

fact, this Court in its writ jurisdiction will not be in a position to come to a finding either way.

6. For the reasons aforesaid, the writ petition stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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