

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1707 of 2013
IN
Civil Writ Jurisdiction Case No. 15541 of 2006**

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1. Ashok Kumar Sharma Son Of Sri Ram Sakal Sharma Resident Of Village -
Telchh, P.O. - Telchha, Police Station - Janta Bazar, District - Saran

.... Appellant/s

Versus

1. The Punjab National Bank Through Its Chairman Cum Managing Director
Having Its Registered Office At Bhikajikama Palace, New Delhi - 110006
2. Assistant General Manager, P.N.B. P.F. And Pension Fund Department,
Rajendra Place, New Delhi , 110001
3. Zonal Manager, P.N.B. Chankya Complex, Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mrs. Mallika Mazumdar &
Mrs. Ratanakar Jha. RATANAKAR JHA
For the Bank : Mr. (Dr.) Pankaj.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 17-02-2017

I.A. No. 9423 of 2013 has been filed for condonation of
delay of 87 days in filing the Letters Patent Appeal.

For the reasons mentioned in the Interlocutory
Application, the delay in filing the Letters Patent Appeal is condoned.

I.A. No. 9423 of 2013 is allowed.

Re: L.P.A. No. 1707 of 2013.

The present Letters Patent Appeal has been filed against
an order dated 02.05.2013 passed by the learned Single Judge of this
Court in C.W.J.C. No. 15541 of 2006 whereby the writ petition of the
appellant has been disposed of.



2. The dispute being such where the factual aspect whether the appellant was optee of the new pension scheme or not is required to be first thrashed at the level of the Bank.

3. The nature of the dispute being such, in the opinion of this Court, the learned Single Judge rightly referred the petitioner of the writ application against which order the appeal has been moved, to file representation first.

4. The Court is willing to give yet another indulgence to the appellant to move the competent authority of the Bank with supporting evidence and the materials which can establish the factum of his option having been exercised by the cut off date. On filing of such an application, the authority of the respondent Bank will verify the position from record and will communicate the finding to such applicants who would like to file their application for consideration.

5. No interference otherwise is required with the impugned order dated 02.05.2013. The Letters Patent Appeal stands disposed of in terms of the above.

(Ajay Kumar Tripathi, J)

Amin/-

(Nilu Agrawal, J)

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

