IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.413 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 22403 of 2013

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Rameshwar Prasad, S/o Late Jeetan Ram East Indira Nagar, Nalanda Colony, Road NO.-3, Patna-20.

.... Appellant

Versus

1. The Zonal Manager, Bank of India, Patna zone Chanakya Palace, R- Block, Patna-800001.
2. The Deputy Zonal Manager, Bank of India, Patna Zone, Chanakya Palace, R-Block, Patna-800001
3. The Branch Manager, Bank of India, Fatwah Branch, Station Road, P.B. No. 1, Fatwah, District- Patna- 803201.
4. The General Manager (H.R.D.) Bank of India, Head Office, Star Home Bandra Kurla Complex, C-5, G- Block East, Mumbai-400051

.... Respondent/s

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Appearance:

For the Appellant/s	:	Mr. Raj Ballav Prasad Yadav and Mr. Jitendra Kumar, Advocates.
For the Respondents	:	Mr. Rupak Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 30-06-2017

Heard counsel for the appellant and counsel for the respondents – Bank.

Writ Application of the appellant was dismissed on 06.02.2015 by the learned Single Judge. The prayer made in the Writ Application was to quash the order dated 23.05.2011 issued by the Deputy Zonal Manager, Bank of India, Patna, who refused to permit the appellant from joining the Pension Scheme. The Writ, therefore, was filed not only to quash that order but also to give a direction for allowing the appellant to join the Pension Scheme.

No doubt, on the basis of the some agreement reached between the employees' organization and the management, a Pension Scheme was brought into force and option given to the Bank employees to join the scheme but that required the employees to perform their part of obligation which included certain refund and payment to the Bank as part of their contribution. The details of the scheme is Annexure-1 to the Writ Application. For brevity, the Court does not want to go into the details of the scheme especially since the relevant portions have already been extracted by the learned Single Judge in the order while adjudicating and rejecting the claim of the appellant.

The position which emerges from the narration of facts and evidence is that the appellant did apply but did not fulfill the requirement of joining the Pension Scheme because. It emerges from Annexure-2 to the Writ Application that he only filed an application exercising option without making the necessary deposit which has been talked about in the said application itself. Since this application is in form of a declaration and every employee is required to sign the same, which has been done by the appellant in his own pen and signature, then the plea urged at the Bar on behalf of the appellant that the appellant was not informed by the Bank about the requirement of deposit along with the application form in the branch where he last worked is only a desperate effort to overcome a shortcoming which has been committed by the appellant which led to rejection of his form and the decision not to permit him to join the Pension Scheme.

The Pension Scheme has to be implemented or enforced in terms of the agreement and the requirement laid down therein. No exception can be made or obligation diluted for such laggard employees, who do not respond and fulfill their obligation well within time. By failing to do the needful in terms of the deposit which was also mandatory in nature, the appellant lost his right.

In the given facts, therefore, if the learned Single Judge refused to interfere with the order of rejection by the Deputy Zonal Manager then the blame lies with the appellant and not with the respondents Bank.

The appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
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