IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 361 OF 2017
IN
WRIT PETITION NO. 6063 OF 2009

Smt.Nirmala Banasiddha Pujari and others. ... Petitioners.
V/s.
Union Bank of India and others. ... Respondents.

Gautam Kanchanpurkar i/b. S.G.Deshmukh for the petitioners.

Ashok Shetty for respondent No.1.

Anand Rai with Radha Ved i/b. Sanjay Udeshi & Co.
for respondent No.4.

CORAM : DR.MANJULA CHELLUR, C.J.
AND G.S.KULKARNI , J.

DATE : 14th February 2017.

P.C. :

The present petition came to be filed mainly for settlement of pension benefits to the petitioner who is said to be a widow of Shri Banasiddha Mutyappa Pujari. At the time of filing of the petition since the challenge was made to regulation 22 of the Union Bank of India (Employees') Pension Regulations 1975 in

respect of forfeiture of service being ultra vires the Constitution inasmuch as the same includes resignation as one of the circumstances in which service of the employee has to be forfeited. In a similar situation pertaining to UCO Bank, the Apex Court in the case of ***UCO Bank v. Sanwar Mal*** reported in 2004 (101) FLR 437 has upheld such scheme as constitutional. Similarly, in the case of ***M.R. Kulkarni v. Bank of Maharashtra*** reported in 2004 (5) Bom.C.R. 743, this Court has upheld this pension regulation. In both the decisions, one of the grounds of challenge was with regard to condition pertaining to resignation or voluntary retirement, in other words, whether regulation 22(1) of the Pension Regulations ultra vires the Constitution of India is to be seen. Since the said issue has already been settled, we are of the opinion that prayer (a) of the petition is no more *res integra*. In the light of such observation, the only issue or controversy has to be decided is in terms of regulations whether the petitioner is entitled to the relief sought against the Bank. The matter be listed before the regular Bench having roster.

2. Civil application is disposed of accordingly.

(G.S.KULKARNI, J.) CHIEF JUSTICE