

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

408

CWP-7706-1997 (O&M)
Date of decision:07.10.2017

Mohinder Singh

....Petitioner

Versus

State Bank of India and others

.... Respondents

(2)

CWP-7446-1997 (O&M)

Ramji Dass

....Petitioner

Versus

State Bank of India and others

.... Respondents

(3)

CWP-7708-1997 (O&M)

Sucha Singh

....Petitioner

Versus

State Bank of India and others

.... Respondents

(4)

CWP-7707-1997 (O&M)

Sarja Singh

....Petitioner

Versus

State Bank of India and others

.... Respondents

(5)

CWP-1696-1999 (O&M)

Ramji Dass

....Petitioner

Versus

State Bank of India and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: None for the petitioner.

Mr.Ashok Gupta, Advocate with
Mr. Eklavya Gupta, Advocate for the respondents.

P.B. BAJANTHRI, J. (ORAL)

This order shall dispose of the aforementioned five petitions.
However, for convenience and clarity, facts are being taken from petition bearing No. 7706 of 1997.

In the instant writ petition, petitioner has prayed for the following relief:-

“i) call for the records of the case and finding that the respondents are not paying the pension to the petitioner taking shelter behind Rule 20 of State Bank of India Employees Pension Fund Rules as incorporated in Chapter 28, Part C, Para (i) of reference Book on Staff matters published by State Bank of India, New Delhi Local Head Office, may issue an appropriate writ, order or direction declaring Rule 20 of the SBI Employees Pension Fund Rules in not counting the service rendered from the age of 58 years to 60 years as pension rules as illegal, null and void, ultravires of constitution as the provisions of these rules provide unguided and arbitrary powers of non counting service from 58 years to 60 years of age towards the pensionable service when the nature of job remains exactly same before and after age of 58 years.

ii) It is further prayer that this Hon'ble Court may kindly direct the respondent Bank to pay pension to the petitioner as per rules by counting his entire service from the date of his joining i.e. 06.09.71 till the date of his retirement i.e. 31.8.93 and the temporary service rendered before, irrespective of any age criteria.”

2. Undisputedly, the petitioner do not fulfill minimum 20 years of service for the purpose of claiming pension. Petitioner has challenged the validity of Rule 20(a) insofar as fixation of 20 years for the purpose of claiming pension.

3. None appears on behalf of the petitioner even on earlier occasions

and the matter is of the year 1997. Therefore, respondents were heard in the matter.

4. The employees of the State Bank of India are governed by the Rules called State Bank of India Employees Pension Fund Rules. Perusal of Rules 7(a), 8, 20 and 22 it is crystal clear that employee who claims pension he must have rendered/complete 20 years of service. To struck down minimum 20 years of service to gain pensionary benefits petitioner has not made out a case so as to how it is in violation of Article 14. Court can interfere in respect of any statutory rule unless it is arbitrary, illegal and violation of Article 14. The petitioner has not fulfilled the condition of minimum 20 years of service to claim pension. Thus, petitioner has not made out a case so as to interfere with the statutory provisions of the State Bank of India Employees Pension Fund Rules.

5. Accordingly, CWP stands dismissed.

07.10.2017

pooja saini

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No