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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 49/2016**

SURINDER KUMAR GUPTA

..... Petitioner

Through: Mr. Harshbir Singh Kohli, Advocate.

versus

BANK OF BARODA

..... Respondent

Through: Mr. Bhupender Singh Chauhan,
Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **13.04.2017**

1. By this writ petition, petitioner who was compulsory retired from the respondent-bank seeks direction against the respondent-bank/ex-employer to accept his application for pension and grant him pension.

2. It is undisputed that a second option was given to the retired employees of the respondent-bank vide the circular of the respondent-bank dated 9.9.2010. Those retired employees who had received provident fund benefits were to refund the same with interest and comply with other requirements under the pension scheme for being granted pension.

3. Regulation 33 of the 1995 Pension Regulations of the respondent-bank permits grant of pension to compulsorily retired persons,

and therefore, indubitably even a person such as the present petitioner is entitled to pension in accordance with Regulation 33 of the 1995 Pension Regulations.

4. Unfortunately, the pleadings of both the parties do not touch upon all these vital aspects, and therefore, it is agreed and this writ petition is disposed of by the following consent order:-

(i) This writ petition will be treated by the respondent-bank as a representation for considering the plea of the petitioner for grant of pension under the circular of the respondent dated 9.9.2010.

(ii) The competent authority of the respondent-bank will examine the representation and will give a personal hearing to the petitioner or his representative and decide the issues as to the entitlement of the petitioner, who is a compulsory retired person, as to pension under the Regulations including Regulation 33, whether petitioner was given the necessary notice to exercise the option as found at internal page 4 first paragraph of the circular dated 9.9.2010, and all other relevant aspects.

(iii) In case petitioner is allowed pension by the competent authority in accordance with the Rules and Regulations, then petitioner will comply with the requirements as directed by the competent authority as a pre-

condition for grant of pension.

(iv) The competent authority will pass a speaking order dealing with the aspects stated above and all other relevant aspects as to the entitlement of the petitioner to pension. Hearing to the petitioner be granted with a notice of atleast three weeks and speaking order be passed by the competent authority within a period for three months from today.

(v) In case petitioner is still dissatisfied by the speaking order, then petitioner at that stage will have liberty in accordance with law to approach the competent court.

5. The writ petition is disposed of with the aforesaid observations.

VALMIKI J. MEHTA, J

APRIL 13, 2017

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