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

\+ W.P.(C) 7289/2017

SHYAM LAL KAKWANI ..... Petitioner

Through: Mr. N.C. Gupta and Mr. Deepak Singh, Advs.

versus

PUNJAB NATIONAL BANK ..... Respondent

Through: Mr. Rajesh Kumar Gautam and Mr. Bhumit Solanki, Advs.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

<u>O R D E R</u>

% **23.08.2017**

<u>CM No. 30164/2017</u>

Exemption allowed subject to all just exceptions.

Application stands disposed of.

<u>W.P.(C) 7289/2017</u>

The present petition has been filed by the petitioner with the following prayers:

> *"It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to:*
>
> *i) Issue writ of Mandamus or any other writ or pass any order or direction commanding the Respondent to allow IInd Pension Option to the petitioner.*
>
> *ii) Issue direction to the Respondent to pay Pension with commutation facility along with interest on 'equitable' basis*

on 'arrears' and let the petitioner deposit the amount of CPF and other amount, 'out of arrears' so payable with effect from the date of Voluntary Retirement i.e. 18/03/2008.

iii) Pass any other and further order (s) that may be deemed to be just and proper in favour of the petitioner in the light of the facts and circumstances of the case."

The petitioner while working in the respondent Bank applied for voluntary retirement which was accepted and the petitioner was relieved from the service on 18th December, 2007. The petitioner was paid GPF and CPF amounts as he had not opted for Pension Scheme. On 16th August, 2010, Respondent Bank issued a 'joint note' advising the employees to file pension option within sixty days.

On 14th September, 2010, petitioner filed a Pension Option with the respondent Bank which was declined as the petitioner has taken voluntary retirement and was not covered under the Scheme. On 4th January, 2013, respondent issued a circular in terms of which voluntary retired employees were also covered under the Scheme and eligible for Pension Option on or before March 4, 2013. It is a conceded position that petitioner had submitted his option on May 18, 2013 after coming to know about the circular through his friend. The respondent Bank did not allow the application for the reason of delayed filing. The petitioner represented to the bank which was rejected vide communication dated April 27, 2016. It is the submission of the learned counsel for the petitioner that the circular dated April 11, 2013 was never communicated to the petitioner. He states, the circular dated April 11, 2013 remained within the four walls of the Bank. He also states that the delay, if any, was only of two months as the petitioner filed his application on May 18, 2013.

Having heard the learned counsel for the parties, there is no dispute that in terms of the circular dated April 11, 2013, the same was directed to be put on the Notice Board of all the Offices. That apart, it was put on the website of the Punjab National Bank, which reveals that, it was given wide publicity for the benefit of the retirees. The mode adopted by the respondents is a reasonable mode, more particularly in this age of information technology. This Court would have agreed with the learned counsel for the petitioner, if the circular was put on the notice board of the offices only.

The plea of the learned counsel for the petitioner, that the delay of two months which has occurred is not substantial enough for the respondents to reject the same, is not appealing for the reason that if the respondents have taken a conscious decision to call for options on or before March 4, 2013 by keeping the options open for two months, the period being a reasonable one, this Court in exercise of its jurisdiction under Article 226 of the Constitution cannot give a direction to extend the last date of option to a date coinciding with the option submitted by the petitioner. In other words, such a relief shall be outside the purview of the judicial review. The petition is dismissed.

V. KAMESWAR RAO, J

AUGUST 23, 2017/*jg*