

CWP No.13825 of 2018

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

Sr. No.135

Civil Writ Petition No.13825 of 2018
DECIDED ON: May 29, 2018

AVINASH KAUR

..PETITIONER

VERSUS

PUNJAB AND SIND BANK AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Gursimran Singh Bawa, Advocate,
for the petitioner.

JASPAL SINGH, J.

By virtue of the instant writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of Certiorari for quashing the order dated 21.03.2016 (P-6) passed by respondent No.1, vide which an application of the petitioner for grant of pension was again rejected as well as for issuance of a writ in the nature of Mandamus directing the respondents to grant pension to the petitioner on account of her superannuation.

2. Concededly, petitioner was given an appointment in the Punjab & Sind Bank, Amritsar on compassionate ground on 26.06.2003 on account of sudden demise of her husband Sh. Harwant Singh on

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21.02.1999 and she stood retired on 30.04.2013 on attaining the age of superannuation i.e. after having served 9 years, 10 months and 03 days. After her retirement, she made representation seeking grant of pension on superannuation but after consideration, respondent-Bank rejected the claim of the petitioner vide order dated 11.12.2013 (P-2). The aforesaid order dated 11.12.2013 (P-2) was challenged by the petitioner in CWP No.19572 of 2014 captioned as ***Avinash Kaur vs. Punjab and Sind Bank & ors.***, which was allowed by this Court vide order dated 17.09.2015 (P-3) and respondents were directed to reconsider her case. But on re-consideration, again request of the petitioner for grant of pensionary benefits was declined vide communication dated 29.03.2016 (P-6). Aggrieved against the order dated 29.03.2016 (P-6) referred to above, petitioner has preferred instant petition.

3. The question which emerges for determination by this Court is whether the petitioner is entitled to superannuation benefits after having served respondent-Bank for the period of 9 years, 10 months and 03 days and answer to this question is in negative as the minimum qualifying service required for grant of pension is 10 years under Service Rules.

4. No doubt, there was some delay in appointment of the petitioner in the Punjab & Sind Bank, Amritsar on compassionate ground i.e. on account of sudden demise of her husband Sh. Harwant Singh but delay in compassionate appointment of the petitioner cannot be solely attributed to the respondents, for the reasons which have been fully detailed and described in the impugned order dated 11.12.2013 (P-2). There is a specific provision under Regulation 18 of PSB Employees'

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Pension Regulations, 1995 (for short 'Regulations, 1995'). As per the scheme of Punjab and Sind Bank (Employees') Pension Regulation, 1995, a "pensioner" is defined as an employee who is eligible for pension as per the Pension Regulation Chapter IV of the Regulations, which provides the requirement of 10 years qualifying service for grant of pension. In the given circumstances, petitioner is also not entitled to the benefit of Regulations, 1995, for the reason that broken period of service of less than one year is to be treated as one year provided that the said broken period of service is more than six months. In the instant case, there is a shortage of 56 days in qualifying service for grant of pension, which cannot be condoned. Thus, claim putforth by the petitioner is not in consonance with the aforesaid Regulations. It has been specifically provided that "this regulation shall not apply for determining the minimum service required to make an employee eligible on pension". Moreover, there are number of other similarly situated condidates seeking compassionate appointment in the list and a list is prepared by the respondent-Bank date-wise. By giving sympathetic consideration to the case of the petitioner for compassionate appointment, other persons who are similarly situated cannot be ignored and contention raised by the petitioner or his counsel that she should have been appointed much prior to the date of her joining is not sustainable. The respondents-Bank have considered the case of the petitioner from all angles but have rightly come to the conclusion that she does not deserve the concession of pension, as she does not have minimum qualifying service of 10 years. During the course of arguments, learned counsel for the petitioner also could not cite

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any service rules according to which, shortage of 56 days can be condoned and period of service can be treated for more than 10 years.

5. In the light of what has been discussed above, instant petition stands dismissed.

6. No order as to costs.

May 29, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

Yes/No