

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

Sr. No.208-a

Civil Writ Petition No.24127 of 2013
DECIDED ON: July 04, 2018

**THE ORIENTAL BANK RETIRED OFFICERS ASSOCIATION
(REGD.) THROUGH SH. M.S. SIDHU SON OF GURMAIL SINGH,
SECRETARY HAVING ITS HEAD OFFICE AT H.NO.1509,
SECTOR 11-D, CHANDIGARH**

..PETITIONER

VERSUS

UNION OF INDIA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. H.S. Dhindsa, Advocate,
for the petitioner.

Mr. Namit Kumar, Advocate,
for respondent No.1.

Mr. R.N. Lohan, Advocate,
for respondents No.2, 4 & 5.

JASPAL SINGH, J. (ORAL)

Through the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought following reliefs:-

- (i) to grant the pension to members of the petitioners' association as per the directions given by the Hon'ble Apex Court vide judgment dated 27.03.2009 (P-3) in the identically situated case of retired bank employees along with other retiral benefits and salary of notice period.

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(ii) inspite of the fact that judgment of Hon'ble Supreme Court (P-3) dated 27.03.2009 has been adopted and directed to be implemented by the Indian Bank Association vide (P-4) dated 17.08.2009, but the members of the petitioners association are still being given the pension as per Regulation 28 from the date of retirement instead of Regulation 29 and average of last pay drawn as per Regulation 2(d) of Pension Regulation and DA on it is not been given from 01.05.2005 till date @ applicable at the time of retirement i.e. 6th Settlement, which amounts to clear violation of the orders of the Hon'ble Apex Court (P-3) dated 27.03.2009.

2. At the very outset of the arguments, it has emerged that so far as the grant of pension and other benefits in compliance of the judgment passed by the Hon'ble Apex Court rendered in Civil Appeal No.1942 of 2009 captioned as ***Bank of India and another vs. K. Mohandas and others*** (P-3) is concerned, same has already been paid. Now question survives only with regard to payment of Dearness Allowance, upto date pension and salary of the notice period, if any.

3. It is an admitted fact that though petitioner had served a legal notice 16.03.2011 (P-8) as well as reminder dated 26.06.2012 (P-9) prior to the filing of the instant petition, but till date no conscious decision was taken by the concerned authorities i.e. respondents, which necessitated the filing of instant petition.

4. Without expressing anything on merit, instant petition is disposed of with direction to the aggrieved members of the petitioner's

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association to file their individual claim(s) unfolding their grievance(s) with regard to payment of Dearness Allowance, upto date pension or salary of the notice period, if any to the respondents-Bank, which shall be dealt with and disposed of by the Bank, within a period of four months from the date of its receipt by taking a conscious and conclusive decision. In case of passing any adverse order, aggrieved person(s) shall be at liberty to have recourse to the remedies available under law as well to as to approach this Court.

5. No order as to costs.

July 04, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

Yes/No