109 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 1963 of 2018
DECIDED ON: JULY 03, 2018

MANJIT SINGH

.....PETITIONER

VERSUS

PUNJAB AND SIND BANK AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Vaibhav Narang, Advocate
for the petitioner.

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JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought a writ in the nature of mandamus directing the respondent-Bank to pay him the amount of interest as per bank rates on recurring basis from September 2009 to December 2017 on the doctrine of equity, as the bank has charged the interest whereas, no interest has been paid to him.

2. Undisputably, petitioner sought voluntarily retirement by serving notice dated 28.02.2004 which was subsequently accepted and the petitioner was discharged from service on 27.05.2004. In terms of joint note dated 27.04.2010 for extending another option to join pension scheme, petitioner opted for the same but was held in-eligible . Subsequent thereto , certain amendments were made in the afore-said pension scheme and petitioner

exercise the Second Pension Option Scheme but the respondent-Bank has denied the petitioner to join the Second Pension Option Scheme. Thus, petitioner constrained to approach this Court by way of filing CWP No. 14100 of 2014, which was ultimately disposed of by this Court vide order dated 23.09.2016 as having been rendered infructuous. However, it was clarified that petitioner shall be at liberty to approach this court in case he feels aggrieved with the order passed by the respondent-Bank. On re-consideration of the 2nd Pension Option Scheme submitted by the petitioner and the bank asked him to deposit a sum of ₹13,86,326/- vide letter dated 26.10.2017 (P-8), in case he intends to opt for 2nd Pension Option Scheme. In pursuance of the afore-said letter issued by the respondent-Bank, he deposited the necessary amount with the bank. Accordingly, the pension is being paid to the petitioner from September 2009.

3. The contention of learned counsel for the petitioner is that the petitioner deposited the amount of employer share of PF along-with interest as claimed by the respondent-Bank but no interest has been paid to him on delayed initiation of pension and payment thereof. On the doctrine of equity, petitioner at least deserves the payment of interest equal to which has been claimed by the respondent-Bank on the employer share of PF.

4. This Court has considered the afore-said submission made by learned counsel for the petitioner but does not find any legal or factual substance therein.

5. In order to avail the benefit of 2nd Pension Option Scheme, it was obligatory upon the petitioner who has deposited the employer share of PF already availed of by him along-with interest. The rate of interest to be charged

by the respondent-Bank as a part and parcel of the amount to be deposited for becoming eligible to exercise the 2nd Pension Option Scheme. If the petitioner was not at all wiling or interested to avail the benefit of the 2nd Pension Option Scheme, he should not have deposited the amount and if he has complied with the terms and conditions of the 2nd Pension Option Scheme than he cannot claim the interest on the delayed payment of pension, particularly when no fault can be attributed to the respondent-Bank in the disposal of his case with regard to the 2nd Pension Option Scheme. There is no question of applicability of doctrine of equity. However, during the course of arguments petitioner could not site any law, judgment or rule to buttress his contention.

6. In the light of afore-said discussion this Court does not find any merit in the instant petition. As such, the same stands dismissed.

JULY 03, 2018 **(JASPAL SINGH)**
sham **JUDGE**

Whether speaking/reasoned Yes/No
Whether reportable Yes/No