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

Date of Order: February 13, 2018

\+ W.P.(C) 1320/2018 & C.M. 5523/2018

SURINDER KUMAR GUPTA ..... Petitioner
Through: Mr. Harshbir Singh Kohli, Advocate

Versus

BANK OF BARODA, THROUGH: ITS CHAIRMAN ..... Respondent
Through: Mr. Bhupendra Singh Chauhan, Advocate

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

<u>ORDER</u>
(ORAL)

1. Impugned Order of 18th September, 2017 *(Annexure-A)* rejects petitioner's Representation seeking to join Pension Scheme while opting to give up the provident fund amount received by him by relying upon Settlement/ Joint Note of 27th April, 2010 between Indian Bank's Association (IBA) and Workmen Union/Officers' Organization.

2. Impugned order takes note of the fact that petitioner had represented to Indian Bank's Association to seek pension but his plea has been brushed aside while noting that no response has been received from IBA. This assumes importance in view of the fact that respondent-Bank vide Communication of 26th November, 2014 *(Annexure- O)* had intimated petitioner that as soon as decision of higher authorities/ IBA is received, petitioner would be intimated. Again vide Communication of

31st December, 2014 *(Annexure-Q)* petitioner was informed by respondent-Bank that this matter has been referred to IBA by BCC, Mumbai, as industrial level decision has to be taken by IBA and on receipt of reply/ decision from IBA, petitioner would be informed.

3. Learned counsel for petitioner submits that respondent-Bank had not informed petitioner about IBA's decision and has chosen to reject petitioner's Representation without awaiting the IBA's decision to reconsider the Settlement/ Joint Note of 27th April, 2010.

4. Upon hearing and on perusal of impugned order and the material on record, I find that respondent-Bank ought to reconsider the impugned order upon receiving decision from IBA on the aspect as to whether second option for pension is to be extended to compulsorily retired employees or not. This assumes significance in view of the fact that as per Bank of Baroda (Employees') Pension Regulation, 1995, the employees who had exercised first option for pension were entitled to it even if they were compulsorily retired, with the rider that their entitlement would be restricted to 2/3rd of pension.

5. In view of aforesaid, this petition and the application are disposed of while calling upon respondent-Bank to promptly reconsider impugned order of 18th September, 2017 *(Annexure-A)* after obtaining industry level decision from IBA on the aforesaid crucial aspect.

(SUNIL GAUR)
JUDGE

FEBRUARY 13, 2018
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