

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

Date of Order: May 18, 2018

+ **W.P.(C) 2162/2017**

MOOL CHAND SHARMAPetitioner

Through: Mr. Umesh Singh, Advocate

Versus

CENTRAL BANK OF INDIA AND ANR.Respondents

Through: Mr. O P Gaggar, Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Consequent upon infliction of penalty of compulsory retirement upon petitioner, reduction of 1/3rd pension has been effected in terms of Regulation 33 (1) of *Central Bank of India (Employees') Pension Regulations, 1995*. Forfeiture of gratuity is also assailed in this petition, but while entertaining this petition, vide order of 8th March, 2017, petitioner has been relegated to avail of the remedy qua the forfeiture of gratuity before the competent forum.

The Disciplinary Authority's order of 24th July, 2014 (*Annexure P-4*) was challenged by petitioner by way of an appeal which stands rejected vide order of 2nd February, 2015 (*Annexure P-6*). It is pointed out that the order inflicting penalty of compulsory retirement has attained finality. Regulation 33 (1) of aforesaid Regulations of 1995 empowers the authority higher than the competent authority to deduct 1/3rd pension, in a case where penalty of compulsory retirement has been inflicted.

Learned counsel for petitioner submits that the penalty of compulsory retirement and forfeiture of 1/3rd pension has been recommended vide order of 30th July, 2014 (Annexure R-1) by higher authority i.e. *Senior Regional Manager of Zonal Office*. Petitioner's counsel submits that petitioner was never apprised of this recommendation.

Be that as it may. A plain reading of Regulation 33 (1) of *Central Bank of India (Employees') Pension Regulations, 1995*, does not require that deduction of 1/3rd pension upon infliction of penalty of compulsory retirement be approved by the Board of Directors. Therefore, in the considered opinion of this Court, deduction of 1/3rd pension is in consonance with Regulation 33 (1) of aforesaid Regulations of 1995. No case for quashing deduction of 1/3rd pension is made out.

In view of the aforesaid, this writ petition is dismissed.

(SUNIL GAUR)
JUDGE

MAY 18, 2018

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