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

% *Date of Order: February 15, 2018*

\+ **<u>W.P.(C) 5147/2011</u>**

S.K.JAIN & ORS. ..... Petitioners
Through: Mr.Ashok Bhalla, Advocate

versus

PUNJAB NATIONAL BANK ..... Respondent
Through: Mr.Jagat Arora and Mr.Rajat Arora, Advocates

**CORAM:**
**HON'BLE MR. JUSTICE SUNIL GAUR**

**<u>O R D E R</u>**
**(ORAL)**

1. Petitioners' representation seeking addition of past service for calculation of pensionary benefits under Regulation 26 of PNB (Employees') Pension Regulations, 1995 (hereinafter referred to as Pension Regulations of 1995) stands declined vide order of 16th March, 2011 (*Annexure P-16*).

2. It is matter of record that when the petitioners were inducted into service, the Pension Regulations of 1995 were not in force. So, it is recorded in the impugned order that petitioners were not eligible for addition of qualifying service.

3. Learned counsel for petitioners places reliance upon Indian Banks' Association's Circular of 1st February, 2018 which on the basis of legal opinion received, has opined that Pension Regulations of 1995 be uniformly

applied to all the employees (including ex-employees) of Public Sector Banks. According to learned counsel for petitioners, the aforesaid Circular of 1st February, 2018 is binding on the Public Sector Banks. Learned counsel for petitioners submits that petitioner-S.K.Jain in any case would be entitled to the relief sought in this petition upto the date when he has received the provisional pension and thereafter subject to outcome of the writ petition against imposition of penalty.

4. Learned counsel for respondent-Bank has sought to rely upon a decision of a Division Bench of this Court in *P.N.Shukla Vs. Union of India & Ors.* 2016 SCC Online Del 5597 to submit that the aforesaid Pension Regulations cannot be applied retrospectively and so petitioners are not entitled to relief sought in this petition.

5. Upon hearing and on perusal of impugned order (*Annexure P-16*), the Indian Bank's Circular of 1st February, 2018, the material on record and the decision cited, I find that respondent-bank is required to reconsider the impugned order in light of Indian Bank's Circular of 1st February, 2018 and if it refuses to comply with the aforesaid Circular to deny relief to petitioners as sought by them herein, then the reasons for not complying with the said Circular be spelt out. The needful be done within a period of 12 weeks and petitioners be intimated about it within two weeks thereafter, so that petitioners may avail of the remedy as available in law, if need be.

6. With aforesaid directions, this petition is disposed of.

*Dasti.*

**(SUNIL GAUR)**
**JUDGE**

**FEBRUARY 15, 2018**
***mamta***