

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

Date of Order: April 17, 2018

+ **W.P.(C) 3819/2016 & CMs 45006-07/2017**

RAGHUBIR CHANDER DUGGAL Petitioner
Through: Mr. Vimal Wadhawan, Advocate

Versus

CENTRAL BANK OF INDIA AND ANR Respondents
Through: Mr. R.S. Mathur, Advocate

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. This Court vide order of 24th April, 2007, had directed respondent-Bank to release the pensionary benefits to petitioner within six weeks and the said order was unsuccessfully challenged before the Division Bench of this Court and the Supreme Court.
2. Learned counsel for petitioner submits that no interim orders were passed by the Division Bench or Supreme Court and since the pensionary benefits were not released to petitioner till 9th February, 2016 in terms of Disciplinary Authority's order of 20th February, 2002, therefore, respondent-Bank is liable to pay the interest @15% *per annum* for delayed release of retiral benefits. Another prayer made in this petition is to direct respondent-Bank to make payment of leave encashment to petitioner and to refix pension of petitioner's wife after adding 5 years to

29 years of her completed service and thereafter, pay the arrears of consequential benefits.

3. Learned counsel for respondent-Bank submits that the relief claimed in this petition was sought by petitioner in the first round of litigation, but it was not granted and so, this petition is not maintainable and it deserves to be dismissed outrightly.

4. It is matter of record that petitioner has died and so his legal heirs are brought on record. In the counter affidavit filed by respondent, one of the reliefs sought by petitioner in the earlier writ petition i.e. W.P.(C) 1815/2006 is reproduced which indicates that full pension alongwith other benefits with interest @15% *per annum* was sought in the earlier petition. As regards payment of leave encashment and adding of 5 years service in view of Regulation 29 of *the Central Bank of India (Employees) Pension Regulations, 1995*, I find that in the counter affidavit filed, the stand taken is that since petitioner was removed from service on 22nd February, 2002, therefore, she is not entitled to the aforesaid reliefs.

5. Upon hearing and on perusal of the material on record, I find that petitioner's claim for interest on the pensionary benefits was not granted earlier and I find no justification to now grant it, particularly when the pensionary benefits have been released to petitioner in February, 2016. So far as adding of 5 years service or payment of leave encashment is concerned, I find that petitioner's wife was not entitled to these reliefs because she was removed from service. Respondent-Bank's Circular (*Annexure R/I*) makes it abundantly clear that the benefit of encashment

of leave is not available to the employees, who have been removed from service and as such, the leaves stand lapsed.

6. In light of aforesaid, I find no merit in this petition. As such, this petition and the pending applications are accordingly dismissed.

(SUNIL GAUR)
JUDGE

APRIL 17, 2018

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