IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20345 of 2019

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Anil Kumar Son of Late Gopal Prasad Resident of C/o P.N. Prasad, House No.1026, Lane No.4, Daudpur Kothi (Laxmi Chawk), Post- Brahampura, M.I.T., District- Muzaffarpur.

... ... Petitioner

Versus

1. The Uttar Bihar Gramin Bank through its Chairman, Head Office, Kalambagh Chowk, Muzaffarpur.
2. The Chairman, Uttar Bihar Gramin Bank, Head Office, Kalambagh Chowk, Muzaffarpur.
3. The Chief Manager, Uttar Bihar Gramin Bank, Head Office, Kalambagh Chowk, Muzaffarpur.
4. The General Manager, Uttar Bihar Gramin Bank, Head Office, Kalambagh Chowk, Muzaffarpur.
5. The Regional Manager, Regional Office, Uttar Bihar Gramin Bank Sitamarhi.

... ... Respondents

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Appearance :

For the Petitioner	:	Mr.Gyan Prakash
For the Respondents	:	Mr.Prabhakar Jha
		Mr.Amitesh Jha

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 21-11-2019 Heard learned counsel for the parties.

The petitioner was working in Vaishali Kshetriya Gramin Bank, which came to be subsequently merged with the Uttar Bihar Gramin Bank. While working as an Officer in Scale-II, the petitioner had submitted his resignation on 16.02.2013, which was accepted by the competent authority with effect from 31.05.2013. It is the petitioner's case that he was facing various health problems because of which, he was unable to perform his duties as an Officer of the Bank and, since, at the relevant point of time, there was no scheme for voluntary retirement, he had no other option but to severe his relationship with the Bank by resigning the post itself, which he was holding.

At the time of resignation, there was no provision for pension under the Regulations governing the service conditions of the Officers and Employees of the Bank. In exercise of powers, conferred by Section 30 read with sub-section (1) of Section 17 of the Regional Rural Banks Act, 1976, the Board of Directors of the Bank, after consultation with Central Bank of India, being the sponsored Bank, and the National Bank and with the previous sanction of the Central Government has framed regulations called Uttar Bihar Gramin Bank (Employees') Pension Regulations, 2018 (hereinafter referred to as 'the Pension Regulations'), notified on 31.10.2018.

The present writ application has been filed seeking a direction to the respondent Bank to allow him pension with effect from 01.04.2018 in accordance with the provisions of the Pension Regulations read with the amendment in Uttar Bihar Gramin Bank Officers and Employees Service Amendment Regulation, 2018. It is his case that in terms of sub-regulation (3) of Regulation 71 of Uttar Bihar Gramin Bank Officers and

Employees Service Regulation, 2018 (hereinafter referred to as 'the Service Regulation'), the petitioner had exercised an option to become a member of the Pension Regulation Fund under sub-regulation (1) of Regulation 3 of the Pension Regulations. After exercising the said option, he has refunded the amount by causing the Trust of the Provident Fund of the Bank to transfer the entire contribution of the Bank along with the interest accrued thereon to the credit of the fund constituted under the Pension Regulations and, therefore, he should also be held to be governed by the Pension Regulations.

Learned counsel appearing on behalf of the petitioner has submitted that had there been any provision for voluntary retirement at the time when the petitioner had submitted his resignation, he would have opted for voluntary retirement in place of resignation. He has argued that an employee of the Bank, namely, Arvind Kumar was allowed to retire voluntarily though there was no such scheme in the Bank, which is manifest from a letter dated 30.07.2007 (Annexure-8). The said Arvind Kumar, he has contended, has subsequently been given benefit of pension under 2018 Pension Regulations and, therefore, the petitioner should also be held to be entitled for the benefits under the Pension Regulations of 2018.

I have examined various provisions under the Regulations, as noted above, namely, Uttar Bihar Gramin Bank Officers and Employees Service Regulation, 2018 and Uttar Bihar Gramin Bank (Employees') Pension Regulations, 2018. There is clear stipulation in Regulation 20 of the Pension Regulations that a resignation not amounting to voluntarily retirement shall entail forfeiture of entire past service of the officer and consequently shall not qualify for pension under the Pension Regulations. Sub-Regulation (1) of Regulation 20 can be usefully quoted, which reads as under : -

> **"20. Forfeiture of service.-**
>
> **(1) Resignation not amounting to voluntary retirement or dismissal or removal or termination of an employee from the service of the Bank shall entail for forfeiture of his entire past service and consequently shall not qualify for pension under these regulations.**
>
> **(2) An interruption in the service of an employee entails forfeiture of his past service, except in the following cases, namely:-**
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> **(a) authorised leave of absence;**
>
> **(b) suspension, where it is immediately followed by reinstatement, whether in the same or a different post, or where the employee dies or is permitted to retire or is retired under the provisions of the Service Regulations while under suspension."**

The language of Regulation 20 is unambiguous and clearly prescribes that a resignation, not amounting to voluntary retirement or removal or termination of an employee from service of the Bank, shall entail for forfeiture of his past service.

In fairness to the submission made on behalf of the petitioner with reference to sub-regulation (3) of Regulation 71 of the Service Regulations to the effect that he has refunded the amount of Provident Fund with interest, I am of the view that the said option under sub-regulation (3) of Regulation 71 of Service Regulations can be exercised only by such officers of the Bank to whom the Pension Regulations apply. The Pension Regulations do not apply in case of the petitioner as he had resigned the post.

The circumstance, in which the other Officer of the Bank, namely, Arvind Kumar, was allowed to voluntarily retire, need not be gone into in the present proceeding as the petitioner has failed to establish his right to avail the benefits of 2018 Regulations.

I do not find any merit in this application. This application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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