

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25357 of 2019

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Binay Kumar Verma aged about 62 years, male, S/o Late Parashnath Verma,
R/o Mohalla- Brahmpura, P.S.- Brahmhpura, District- Muzaffarpur, Officer
Scale I Branch Kumaria, Regional Office Sitamadhi (Dismissed from
service).

... .. Petitioner/s

Versus

1. The Chairman, Uttar Bihar Gramin Bank Head Office Kalambag Road
Chauck Muzaffarpur.
2. The Chief Manager/Trustee, Uttar Bihar Gramin Bank Head Office
Kalambag Road Chauck Muzaffarpur.
3. The Board Of Director, Uttar Bihar Gramin Bank Head Office Kalambag
Road Chauck Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ravi Ranjan, Advocate
For the Respondent/s	:	Mr. Prabhakar Jha with Mr. Amitesh Jha, Advocates

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 19-12-2019

Heard learned counsel for the petitioner and learned
counsel for the Uttar Bihar Gramin Bank (hereinafter referred to
as the 'Bank').

2. The petitioner has moved the Court for the
following relief:

*“That this writ application is being filed on behalf of
the petitioner for the issuance of direction to the
respondent authority to pay pension to the petitioner,
who served about 36 years in the unit of respondents
Bank, in view of newly introduced pension scheme,
in the light of judgment given by the Hon'ble*



Supreme Court and the corresponding rules framed under “Uttar Bihar Gramin Bank employee Rules and Regulation 2018”.”

3. Learned counsel for the petitioner submitted that in the year 2016 he was dismissed from service for a charge which was erroneous, as it related to there being some discrepancies found in the accounts being managed by the petitioner, for which he was held responsible. It was submitted that he has given an explanation certified by a Chartered Accountant which would show that there was no discrepancy and no money of the Bank has been defalcated. It was further submitted that the dismissal order is under challenge before this Court in a separate writ petition. Learned counsel submitted that the claim for pension has been rejected by a cryptic order dated 07.06.2019 without assigning any reason, which is bad in law.

4. Learned counsel for the Bank submitted that the order dated 07.06.2019 itself indicates that the pension is payable only to a person who fulfills the eligibility criteria of Uttar Bihar Gramin Bank (Employees’) Pension Regulations, 2018 (hereinafter referred to as the ‘Regulations’) which has been printed in the gazette of India on 31.10.2018. It was submitted that Regulation No. 20 of the Regulations clearly stipulates that a person who has been dismissed shall not qualify



for pension under the said Regulations.

5. Having considered the matter, the Court finds that in Chapter II, Regulation 3 of the Regulations deals with application and eligibility of the Regulations. In Sub Clause (c) of Regulation 3(1) of the Regulations, the petitioner can be covered, provided he was not dismissed. Regulation 20 of the Regulations relating to forfeiture of service clearly stipulates that an employee shall not qualify for pension if he has been dismissed, as is the case with the petitioner.

6. In view thereof, the application stands disposed off with the observation that the cause of action or claim to pension of the petitioner shall depend on the result of his challenge to his dismissal.

(Ahsanuddin Amanullah, J)

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