

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25-01-2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25133 of 2006

and

M.P.No.2 of 2006

1.Bank of Baroda Retired Officers' Association,
Represented by its General Secretary,
G11, Shivam Flats,
Rajesh Tower Road,
Off Gotri Road,
Baroda-390 021.

2.V.Vasudevan

3.A.N.Balakrishnan

... Petitioners

- Vs. -

1.Bank of Baroda,
Represented by the Chairman and
Managing Director,
Central Office,
Baroda Corporate Centre,
'G' Block, C-26, Bandra-Kurla Complex,
Bandra (East),
Mumbai-400 051.

2.The Competent Authority for Pension
Regulations (Asst. General Manager),
Bank of Baroda, Head Office,
Baroda House, P.B.No.506,
Mandvi,
Baroda-390 006.

3.Indian Banks' Association,
Stadium Road,
Block II & III, 6th Floor,
81-83, Veer Nariman Road,
Mumbai-400 020.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus,

directing the second respondent to pay the petitioners' basic pension and additional pension for the period between their dates of retirement on 30.4.2005 as they are being paid from 1.5.2005 in terms of Regulation 35 of Bank of Baroda (Employees) Pension Regulations 1995 and commutation of pension as laid down in Regulation 41 of the Bank of Baroda (Employees) Pension Regulations, 1995 with interest.

For Petitioners : Mrs.Rita Chandrasekaran for
M/s.Aiyar and Dolia.

For Respondents-1&2 : Mr.P.V.Ramachandran

For Respondent-3 : No Appearance

O R D E R

The present writ petition is filed by the Association of Pensioners for the relief to direct the second respondent to pay the petitioners' basic pension and additional pension for the period between their dates of retirement on 30.4.2005 as they are being paid from 1.5.2005 in terms of Regulation 35 of Bank of Baroda (Employees) Pension Regulations 1995 and commutation of pension as laid down in Regulation 41 of the Bank of Baroda (Employees) Pension Regulations, 1995 with interest.

2. Both the learned counsels appearing on behalf of the writ petitioners as well as the respondents made their submissions that the issues in relation to the relief sought for in the present writ petition was adjudicated both by the Hon'ble Supreme Court of India as well as by the Hon'ble Division Bench of this Court.

3. Based on the order passed by the Hon'ble Supreme Court of India in Civil Appeal No.5525 of 2012 in February 2018, the First Bench of this Court passed an order in WP Nos.970, 5916 and 19830 of 2002 and the relevant paragraph 13 of the said order of the Hon'ble Division Bench of this Court, is extracted hereunder:-

"13. The respondents shall recompute the pension of the petitioners on the basis of the average salary drawn by the petitioners during the preceding ten months prior to the respective dates of their retirement. The balance due payable to the petitioners shall be paid within four months from date along with 9% interest per annum calculated as per the reducing balance."

4. The present writ petitioners are also entitled for the benefit extended to those writ petitioners in the writ petitions before the Hon'ble Division Bench of this Court as well as in the civil appeal before the Hon'ble Supreme Court of India. Accordingly, the present writ petition stands disposed of with a direction to extend the benefits conferred by the Hon' ble Division Bench of this Court WP Nos.970, 5916 and 19830 of 2002 dated 16.4.2018. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Svn

To

- 1.The Chairman and Managing Director,
Bank of Baroda,
Central Office,
Baroda Corporate Centre,
'G' Block, C-26, Bandra-Kurla Complex,
Bandra (East),
Mumbai-400 051.
- 2.The Competent Authority for Pension
Regulations (Asst. General Manager),
Bank of Baroda, Head Office,
Baroda House, P.B.No.506,
Mandvi, Baroda-390 006.
- 3.Indian Banks' Association,
Stadium Road,
Block II & III, 6th Floor,
81-83, Veer Nariman Road, Mumbai-400 020.

+1cc to M/S.Aiyar & Dolia, Advocate Sr.7519

WP No.25133 of 2006

ssd[co]
srg 20/02/2019