

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 14.06.2019****CORAM:****THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No.1323 of 2011****WEB COPY**

Soosaimanickam

... Petitioner

-Vs-

1. The General Manager (Network-1),
State Bank of India,
Customer Grievances Redressal Cell,
Local Head Office, "CERCLETOP HOUSE",
Post Box No.737,
16, College Road,
Chennai-600 006.

2. The Deputy General Officer,
State Bank of India Zonal Office,
Trichy-1.

3. The Assistant General Manager,
State Bank of India,
PPG Department, Pudukkottai.

... Respondents

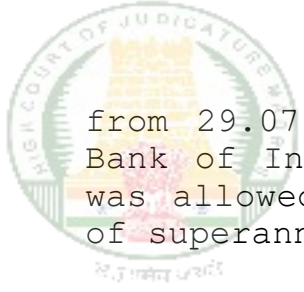
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pursuant to the impugned order of the third respondent dated 02.11.2010 in his proceeding No.PPG/CHE:827 and quash the same and consequently, directing the third respondent to count 8 years of army service of the petitioner with his civil service rendered under him and on that basis to revise his pay by awarding proper increments as per the Bipartite settlement thereby, revising his pension and directing the third respondent to pay the arrears of pay and pension accruing as a result of revision of pay and pension and directing him to pay the revised pension regularly in future on the basis of last drawn pay.

For Petitioner : M/S.Porkodi Karnan
For R1 and R3 : No Appearance
For R2 : Mr.S.Sethuraman

ORDER

The order of rejection dated 02.11.2010, rejecting the claim of the writ petitioner to reckon the military service for the purpose of calculating pension in the State of Bank of India is under challenge in the present Writ Petition.

2.The writ petitioner claims that service of 8 years rendered by him in Indian Army as Clerk to be calculated along with the State Bank services for the purpose of grant of pension. The writ petitioner served in Indian Army for about 8 years as Clerk



from 29.07.1963 to 19.11.1971 and thereafter, served in the State Bank of India on 02.03.1977 as Clerk cum Cashier. The petitioner was allowed to retire from service on 30.04.2001, on attaining age of superannuation, after serving about 24 years.

3.The grievance of the writ petitioner is that 8 years service rendered by him in Indian Army has not been taken into account for the purpose of adding the same along with the State Bank services, so as to get pensionary benefits.

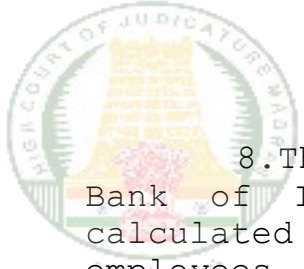
4.The learned counsel appearing for the second respondent made a submission that the issue was settled by the Hon'ble Supreme Court of India, with reference to the service rules of the State Bank of India.

5.In this regard, the learned counsel appearing for the second respondent cited the judgment of the Hon'ble Supreme Court of India in the case of **State Bank of India Vs. L.Kannaiah and others** reported in **(2003) 10 SCC 499**. The relevant paragraph is extracted hereunder:-

"8.Coming to the appeal filed by four writ petitioners who were unsuccessful in the High Court, as far as appellants 1 & 2 (petitioners/appellants 4 & 6 in the High Court) are concerned, relief was denied to them on the ground of their total service in the State Bank of India being less than 20 years when they retired at the age of 60. A contention has been raised for the first time in the S.L.P., that the service rendered by them in the Army should be clubbed with their service in the Bank for the purpose of pension. The circular issued by the Government of India, Ministry of Finance (Banking Division) on 28.1.1983 has been relied upon. However, there is nothing in the circular which obligates the Managements of the Banks to add the military service to the service rendered in the Bank for the purpose of pension. Such benefit was directed to be given only in regard to sanction of loans and for the purpose of promotion in a limited way. Therefore, the contention of the said two appellants has no merit."

6.The Hon'ble Apex Court held that there is nothing in the circular, which obligates the Management of the Banks to add the military service to the service rendered in the Bank for the purpose of pension. Such benefit was directed to be given only in regard to sanction of loans and for the purpose of promotion in a limited way.

7.This being the judgment of the Hon'ble Supreme Court of India, this Court is of the considered opinion that minimum service cannot be taken into account along with State Bank service for the purpose of pensionary benefits. In this view of the matter, there is no infirmity in respect of the order passed by the third respondent in proceeding dated 02.11.2010.



8.The impugned order also clarifies that as per the State Bank of India Employees Pension Fund Rules, the pension was calculated on the basis of pre-revised pay for all the Award Staff employees, who retired between 01.11.97 and 31.10.02, as there is no change in the Pension Rules. However, it is clarified that re-employed candidates are not entitled for counting of the military service as Clerk for the purpose of calculation of pension in the Bank. This being the rules in force, as far as the State Bank of India is concerned, the writ petitioner is not eligible for the relief as such sought for the present Writ Petition.

9.Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

+1 CC to Mr.S.SETHU RAMAN, Advocate (SR-68910[F] dated 14/06/2019)
+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate (SR-68915[F] dated 14/06/2019)

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