HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.5399 of 2016

ORDER :

This writ petition is filed seeking the following relief :-

> "...... to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring (a) the continuation of the cut off date 01.11.1993 in the Regulation No.33(1) of the UCO Bank (Employees') Pension Regulations, 1995 dated 29.09.1995 and (b) the Letter vide HO/PSD/DISC/SK/2015-16/143 dated 04.01.2016 issued by the 2nd Respondent rejecting my request for payment of Pension Benefit sought in the form of Compassionate Allowance as being illegal, arbitrary, discriminatory, vindictive, perverse, affront to the principles of natural justice, violation of Articles 14, 16, 21 & 300A of the Constitution of India and consequently direct the 2nd Respondent to grant full pension to me in terms of Regulation No.33(1) of the UCO Bank (Employees') Pension Regulations, 1995 w.e.f. 01.07.1993 with accrued interest on cascading arrears ......".

Heard Sri T.V.L.Narasimha Rao, learned counsel for the petitioner and Sri E.Sambasiva Pratap, learned Standing Counsel for the respondents.

It has been contended by the petitioner that while working as a Assistant General Manager with the respondent-Bank, the respondents have initiated disciplinary proceedings against him on the alleged ground that he has illegally invested amounts in the shares and on account of which, huge financial loss has occurred to the respondent Bank and, therefore, after conducting a detailed enquiry, for the proven misconduct, the petitioner was dismissed from service vide proceedings dated 26.06.1995. Thereafter, the petitioner has been requesting the respondents to pay the compassionate allowance and finally, submitted a representation before the authorities seeking pension. But, the 2nd respondent has rejected the case of the petitioner vide order dated 20.08.2011 stating that the petitioner is not entitled for pension, as he has been compulsorily retired from service.

Learned counsel for the petitioner submits that the petitioner is suffering financially and it became very difficult for him to survive and he has been requesting the respondents to grant compassionate allowance in terms of Regulation 31 of UCO Bank (Employees') Pension Regulations, 1995. Therefore, the learned counsel submits that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for grant of compassionate allowance in terms of the above said Regulations and pass appropriate orders in accordance with law.

Learned Standing Counsel appearing for the respondents contended that the petitioner never submitted any application to the competent authority seeking compassionate allowance and the petitioner was a dismissed employee and all through, the petitioner has been seeking pension and as per the aforesaid Regulations, a dismissed employee is not entitled for pensionary benefits. If the petitioner is intending to claim compassionate allowance, he has to make an application to the competent authority i.e., Executive Director. If any such application is made, the respondents would consider the same and pass appropriate orders in accordance with law.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a fresh representation to the competent authority i.e., Executive Director within a period of two weeks from the date of receipt of a copy of this order seeking compassionate allowance in accordance with Regulation 31 of the aforesaid Regulations. Upon such representation being received, the respondents shall consider the same and pass appropriate orders in accordance with law within a period of eight weeks thereafter.

With the above observations, this writ petition is disposed of. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

24.09.2019
Prv