

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 6977 of 1999

Date of decision: 12.12.2019

Daya Nand Bansal

.....Petitioner

V/s.

State Bank of India and others

.....Respondents

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. Bhwnesh Lakhera, Advocate
for the petitioner.

Mr. I.P.S Doabia, Advocate,
for the respondents.

Sanjay Kumar, J. (Oral)

Cause for the petitioner, an Assistant (Accounts) in the service of the State Bank of India, to approach this Court was the recoveries effected from him, *vide* order dated 16.11.1998 (Annexure P-2) and order dated 06.05.1999 (Annexure P-4). The said recoveries were made by the bank on the ground that the petitioner was disentitled to the allowance that was extended to him upon his attaining the qualification of CAIIB.

Be it noted that employees who acquired educational/ professional qualification after reaching the maximum in their scale of pay were entitled to earn a special allowance, i.e., a professional qualification allowance, upon completion of one year at the maximum, or from the date

of declaration of the exam result, whichever was later. The basis for the recoveries made from the petitioner was the letter dated 06.05.1999 (Annexure P-4) addressed by the Zonal Office of the Bank to its Branch Manager at Hisar. Therein, the Zonal Office clarified the position with regard to the disbursal of the allowance.

Admittedly, the petitioner reached the maximum in his scale of pay on 01.03.1991 and the result of his CAIIB exam was declared on 01.11.1992. In terms of the clarification issued by the Zonal Office, he was entitled to draw the allowance either upon expiry of the period of one year from the date he reached the maximum in his scale of pay or from the date of declaration of his result, whichever was later. On facts, he was therefore entitled to such allowance from 01.11.1992 as he completed the period of one year after reaching the maximum of his pay scale on 01.03.1992, which was earlier in point of time.

That being so, sanction of the allowance to him from 01.11.1992 did not fall foul of the clarification issued by the Zonal Office. However, it appears that the bank construed the aforestated clarification to mean that the petitioner would be entitled to the allowance only after completion of one year from the date of declaration of his exam result. Such an interpretation does not flow from the clear language used in the letter dated 06.05.1999 (Annexure P-4). The recoveries effected on the strength of such a misconceived interpretation therefore cannot be countenanced.

The writ petition is accordingly allowed. The State Bank of India shall release the amounts recovered from the pay of the petitioner to

the tune of over ₹25,000/-, along with interest thereon at the rate of 12% per annum. This amount shall be released to the petitioner expeditiously and in any event, not later than three months from the date of receipt of a certified copy of this order.

No order as to costs.

(SANJAY KUMAR)
JUDGE

12.12.2019

rakesh

<i>whether speaking/non speaking</i>	:	<i>Yes/no</i>
<i>whether reportable/non reportable</i>	:	<i>Yes/no</i>