

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

LPA No.854 of 2016 (O&M)
Decided on : 17.01.2019

UCO Bank

..... Appellant

Versus

Ashok Kumar Taneja & ors.

..... Respondents

**CORAM : HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Aseem Rai, Advocate
for the appellant.

Mr. Vivek Sharma, Advocate
for the respondents.

Manjari Nehru Kaul, J.

CM-1741-LPA-2016

This is an application filed under Section 5 of the Limitation Act for condonation of delay of 55 days in filing the appeal. The application is duly supported by an affidavit of the officer concerned.

For the reasons mentioned in the application, delay of 55 days in filing the appeal is condoned.

CM stands disposed of.

LPA-854-2016

In the present appeal, challenge has been made to the order dated 08.01.2016 passed by learned Single Judge in CWP No.15614 of 2011 vide which the benefit of addition of 5 years of notional service for calculating the retiral benefits as per Regulation 29(5) of the Pension

Regulation, 1995 was granted to respondent No.1.

2. Respondent No.1 herein filed CWP No.15614 of 2011 for quashing the letter dated 05.08.2010 and 24.02.2011 vide which the benefit of addition of 5 years notional service for computation of pension had been denied to him.

3. The appellant-Bank contested the claim of respondent No.1 on the ground that since respondent No.1 had not fully completed the required service period of 20 years and had only completed 19 years and 10 months of service he could not be given the benefit of additional notional service of 5 years in computing the pension as per Regulation 29(5) of Pension Regulation 1995.

4. Learned Single Judge vide order dated 08.01.2016 allowed the writ petition upholding that the petitioner was entitled to addition of 5 years of notional service for calculating the length of service for the purpose of VRS 2000 Scheme as per Regulation 29(5) of Pension Regulations 1995 and further issued directions to recalculate the pension payable to the petitioner within a period of two months from the date of receipt of certified copy of the order.

5. Learned counsel for the appellant vehemently argued that since respondent No.1 had factually not completed the period of 20 years of service, hence, he was not entitled for addition of 5 years of notional service in computing the pension as per Pension Regulations, 1995.

6. Learned counsel for respondent No.1, on the other hand, argued that it was not disputed by the appellant that the request of the appellant for voluntary retirement had been allowed and once the same stood allowed

then the bank was estopped from denying the benefit of addition of 5 years notional service for the said purpose. He placed reliance upon the judgment of the Supreme Court in ***State Bank of Patiala vs. Pritam Singh Bedi and others, 2014 (13) SCC 474.***

7. Heard learned counsel for the parties and perused the relevant material on record.

8. Chapter IV of (Employees') Pension Regulations, 1995 relates to qualifying service. Regulation 14 defines qualifying service as under:

“14. Qualifying Service-

Subject to the other conditions contained in these regulations, an employee who has rendered a minimum of ten years of service in the Bank, on the date of his retirement or on the date on which he is deemed to have retired shall qualify for pension.”

For the purpose of qualifying service, under the said Chapter IV Regulation 18 prescribes broken period of service of less than one year as under:

“18. Broken period of service of less than one year-

If the period of service of an employee includes broken period of service less than one year, then if such broken period is more than six months, it shall be treated as one year and if such broken period is six months or less it shall be ignored.”

9. A perusal of the aforesaid Regulation 14 shows that an employee having rendered minimum 10 years of service in the Bank on the date of his retirement or on the date on which he is deemed to have retired, shall qualify for pension. Further, Regulation 18 provides that if the period of service rendered by the employee is broken and the broken period is more than 6 months then it shall be treated as one year. Under Regulation 29(5)-

the qualifying service of an employee retiring voluntarily - under this regulation shall be increased by a period not exceeding five years, which shall be subject to the condition that the total qualifying service rendered by such employee shall not exceed thirty three years and it shall not go beyond his date of superannuation.

10. There seems to be force in the contentions raised by learned counsel for respondent No.1. It cannot be accepted that when a person is found eligible for Voluntary Retirement Scheme 2000 for which the period of 20 years of service is required, but deny him the benefit of pension by not considering him eligible for the same as per the Pension Regulations 1995, where under the benefit of addition of notional service of 5 years in computing the total period of service can be availed of by an employee.

11. In view of the above discussion, we find no perversity or illegality in the order dated 08.01.2016 passed by learned Single Judge and affirm the same.

12. Accordingly, the present appeal is dismissed.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

17.01.2019
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Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No