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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8101/2018**

UJJAL SINGH TANEJA Petitioner
Through: Mr. Puneet Jain and Mr. Abhinav
Gupta, Advs.

versus

PUNJAB AND SIND BANK AND ORS. Respondents
Through: Mr. Sanjay Rawat, Adv. for R1 & R2.
Mr. Vikram Jetly, CGSC for R3.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

% **17.05.2019**

1. The present petition has been filed by the petitioner praying *inter alia* for following reliefs:-

“a) Issue an appropriate writ order or direction declaring that the term “resignation” appearing in clause 22 (1) of the Employee Pension Regulation would imply forfeiture of past service only if it is either punitive or without permission of the employer.

(b) In the alternative to (a) above, Issue an appropriate writ order or direction declaring Regulation 22 (1) of the Employee Pension Regulations, 1995 to the extent it provides that resignation by a person after completion of requisite qualifying service which amounts to forfeiture of past service would be arbitrary and in violation of Article 14 and 16 of the Constitution as well as in violation of industrial settlement dated 29.10.1993 entered into by the Bank with its employees.

(c) Issue an appropriate writ order or direction declaring Regulation No.22 of the Pension Regulation, 1995 as framed by the Respondent Banks being contrary to bi-partite settlement and which clause may be read and understood in a manner originals provided as Regulation No.10 in the Pension Regulation, 1993.

(d) Issue an appropriate writ order or direction declaring that the Petitioner is entitled to be considered and be granted 2nd option under the Employee Pension Regulations, 1995 invited by the Respondent No.1 bank vide circular dated 27.4.2010.”

2. Learned counsel for the petitioner seeks to lay the foundation of the reliefs sought by his client in this petition by canvassing that though he had tendered his resignation from the respondent/Bank on 14.06.2008, that was duly accepted on 13.09.2008, the said resignation ought to have been treated as a premature retirement, as defined under Clause 2 (y) (c) read with Regulation 32 of the Punjab and Sind Bank Employees Pension Regulations Scheme, 1995, and once, the petitioner is treated as a premature retiree, he would be entitled to claim pension under Regulations 29 and 32 of the same Scheme.

3. We may note that no relief on the above lines has been prayed for by the petitioner in this petition. The petitioner only seeks to lay a challenge to the vires of the Regulation 22 (1) of the Employees Pension Regulations, 1995.

4. In opposition to this petition, learned counsel for the respondents rely on a recent decision of the Supreme Court in the case of **Senior Divisional Manager, Life Insurance Corporation of India & Ors. Vs. Shree Lal Meena**, reported as *JT 2019 (3) SC 469* to contend that the present petition is not maintainable.

5. After addressing arguments for some time on the maintainability of the petition as filed, learned counsel for the petitioner seeks leave to withdraw the same while reserving the right of his client to file a fresh petition before the learned Single Judge with a prayer that his resignation letter tendered to the respondent/Bank and duly accepted, ought to be treated as a premature retirement.

6. Leave, as prayed for, is granted. The petition is disposed of. Only if the petitioner succeeds in the petition he proposes to file for the relief mentioned above, will he be in a position to seek any consequential relief, as has been prayed for in this petition.

HIMA KOHLI, J.

VINOD GOEL, J.

MAY 17, 2019
“AA/SDP”