

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15646 of 2017**

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Anil Kumar Pandey, Son of Sri Anirudh Pandey, Resident of Village- Sahora,  
P.S.- Gourichak, District- Patna.

... .. Petitioner/s

Versus

1. Chairman Cum Managing Director State Bank of India
2. General Manager State Bank of India Patna Bank.
3. Branch Manager, State Bank of India, Anandpuri, Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Arvind Kumar Singh  
For the Respondent/s : Mr.Kaushlesh Chaudhary

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL JUDGMENT**

**Date : 22-05-2020**

This matter is taken up for consideration through Video Conferencing under the orders of Hon'ble the Chief Justice.

2. Heard learned counsel for the petitioner and Sri Kaushlesh Chaudhary, learned counsel for the respondent/State Bank of India.

3. The present writ petition has been preferred for setting aside an order, contained in letter no. PPG/PCP/527/11199 dated 19-02-2003, passed by the Assistant General Manager (PPG), State Bank of India, Patna Main Branch, Patna (Annexure – 4 to the writ petition) and also for issuance of necessary direction to the respondent authority for the pensionary benefit.



4. In the writ petition, it is stated that the petitioner was appointed as Godown Watchman on 14-11-1975 and subsequently, he was promoted to the post of Cashier, but he was removed from the service on 26-05-2000. Thereafter, the petitioner applied for the payment of pension, but the same was refused, vide letter dated 19-02-2003 (Annexure – 4), which is under-challenge.

5. In this case, a counter affidavit has been filed by the respondent/Bank, in which, a preliminary objection has been raised on the point of maintainability of the writ petition. The Bank has raised objection that the writ petition is fit to be rejected on the ground of limitation, since the writ petition has been filed after inordinate delay i.e. more than 14 and ½ years and there is no explanation in the writ petition for the same.

6. So far as pensionary benefit is concerned, the petitioner is not entitled for the same, as stated by the respondent/Bank in its counter affidavit. For just decision in the matter, It would be appropriate to quote paragraph – 7 of the counter affidavit, which is as follows:-

**“7. That the petitioner’s aforesaid representation was rejected by the Bank as per Rule 22(i)(a) of the State Bank of India Employees Pension Fund Rules, which is as under ‘A member shall be entitled to a pension under these rules or retiring from Bank’s**



***Service:- (a) After having completed twenty years pensionable service provided that he has attained the age of 50 years’.”***

7. In this case, petitioner has not completed the age of 50 years and on the date of removal, the age of petitioner was 48 years, 4 months only. Moreover, the rest of the admissible benefits like, Gratuity, provident fund etc. have already been paid to the petitioner by the respondents/Bank.

8. In view of aforesaid facts and circumstances, I find no merit in the writ application and as such, it is dismissed.

**(Prabhat Kumar Singh, J.)**

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