

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.7386 OF 2017

Devidas Narayan Ingle (Dead) Thr. LRs Asha wd/o Devidas Ingle and ors.

-vs-

State Bank of India, Through its Chairman, Centre Office, State Bank Bhavan, Bombay 21 and
anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri R. D. Hajare, Advocate (Appointed) for petitioner.
Shri S. N. Kumar, Advocate for respondent No.2.

CORAM : A. S. CHANDURKAR AND VINAY JOSHI, JJ.
DATE : JANUARY 27, 2020

Heard.

During pendency of the writ petition the original petitioner expired. Hence his wife and other legal heirs have prosecuted this petition.

The petitioner, a terminated bank employee is seeking for release of pensionary benefits. The petitioner was appointed as Armed Guard on 16/02/1990 with the respondent-State Bank of India. His services were confirmed on 16/08/1990. During the course of his employment a departmental enquiry was conducted against the petitioner in which the petitioner was suspended on 05/08/2005 and later on removed from the service. The petitioner had completed sixteen years five months and nineteen days service at the time of dismissal. Undisputedly the date of birth of the petitioner was

15/06/1955 meaning thereby on the date of his termination he had completed fifty years of age.

The respondent-Bank in response submitted that as per the service conditions for payment of pension, the petitioner is not eligible for getting pension. The learned counsel for the respondent-Bank pointed out two eventualities in which a Bank employee is entitled for pension. The employee has to either complete twenty years of service or he should complete ten years' service provided that he has attained the age of sixty years. There is no factual dispute that neither the petitioner has served for twenty years nor he was sixty years of age when he was removed from the service. The learned counsel for the petitioner is unable to point out any other provision under which the petitioner is eligible for getting the pension. As per Rules the petitioner is not eligible for pensionary benefits.

In view of aforesaid the writ petition is devoid of any merits. Hence dismissed. No costs.

Fees of the learned counsel appointed be paid as per the Rules.

JUDGE

JUDGE