

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.4613 of 2013

P.U.Rani

... Petitioner

Vs.

1.The Chairman
State Bank of India
Central Office
State Bank Bhawan,
Nariman Point, Mumbai 400 021.

2.The Chief General Manager,
State Bank of India
Local Head Office, Circle Top House,
16, College Lane,
Chennai – 600 006.

3.The Trustees,
IBI/SBI Employees Pension and Guarantee Fund,
State Bank of India
Central Office,
State Bank Bhawan,
Madam Cama Road,
Bombay – 400 021.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to revise the pension payable to the petitioners on the basis of the last drawn salary, i.e., the salary drawn by them at the time of opting retirement

under the SBI Voluntary Retirement Scheme vide State Bank of India Pension Rules Rule 23 (2) Proviso 2 as prevailing at the time of retirement and to implement the terms of the Cir.D.O.VRS:4 dated 11.01.2001 issued in this connection.

For Petitioner : Mr.S.Venkata Krishna Kumar
For Respondents : Mr.P.Sukumar for R2

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 1 to 3 to revise the pension payable to the petitioner on the basis of the last drawn salary, i.e., the salary drawn by the petitioner at the time of opting retirement under the SBI Voluntary Retirement Scheme vide State Bank of India Pension Rules Rule 23 (2) Proviso 2 as prevailing at the time of retirement and to implement the terms of the Cir.D.O.VRS:4 dated 11.01.2001 issued in this connection.

2.The case of the petitioner is that the petitioner retired from active service under the SBI Voluntary Retirement Scheme with effect from 01.04.2001. According to the petitioner, in pursuance of Cir.D.O.VRS:4 dated 11.01.2001, she is eligible for pension under the revised pay (VII – Bipartite Settlement), however, she is being paid pension in the pre revised pay. Hence, this writ petition.

3.The learned counsel appearing for the petitioner would submit that the very same issue has been discussed by the Division Bench of this Court in its decision dated 07.12.2006 made in W.A.No.360 of 2003 (V.Lakshminarayanan Vs. The Chief General Manager, State Bank of India, Chennai and another).

4.The learned counsel appearing for the petitioner would further submit that though the writ petition has been filed seeking direction to the respondents to revise the pension payable to the petitioner on the basis of the last drawn salary and to implement the terms of the Cir.D.O.VRS:4 dated 11.01.2001, without going into the merits of the case, this Court may permit the petitioner to make a representation to the respondents and issue direction to the respondents to consider the said representation in the light of Cir.D.O.VRS:4 dated 11.01.2001 and the decision of the Division Bench of this Court dated 07.12.2006 made in W.A.No.360 of 2003 (V.Lakshminarayanan Vs. The Chief General Manager, State Bank of India, Chennai and another).

5.The learned counsel appearing for the second respondent, pointing out to the counter affidavit filed on behalf of the second

respondent would submit that as per VII Bipartite Settlement, the new scale of pay was granted to the employees with effect from 01.11.1997 for Award Staff and 01.04.1998 for Officers. However, for the purpose of calculating the pension, the pay scale as per VI Bipartite Settlement was taken into account as there was no change in the pension Rules.

6.The learned counsel appearing for the second respondent would further submit that whenever wage revision takes place after Bipartite Settlement, the revision in pension does not take place automatically/ immediately. The pension on the basis of the revised scale will be considered by the Bank in consultation and only with the approval of the Government.

7.Heard the arguments advanced on either side and perused the materials available on record.

8.Considering the limited request now made by the learned counsel appearing for the petitioner, this Court permits the petitioner to make representation to the respondents, within a period of two weeks from the date of receipt of a copy of this order. On receipt of

such representation, the respondents are directed to consider the same in the light of Cir.D.O.VRS:4 dated 11.01.2001 and the decision of the Division Bench of this Court dated 07.12.2006 made in W.A.No.360 of 2003 (V.Lakshminarayanan Vs. The Chief General Manager, State Bank of India, Chennai and another), if they are applicable to the petitioner and pass appropriate orders, within a period of twelve weeks thereafter.

9.This writ petition is accordingly disposed of. No costs.

02.11.2020

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

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