

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18287 of 2019**

Madan Ram S/o Late Babu Lal Resident of Gas Agency (South of Gas Agency), Vill.- Pakri, P.O.- Nawada Ara, Arrah, Bhojpur, P.S.- Nawada (Ara), Dist.- Bhojpur, Bihar- 802301.

... .. Petitioner/s

Versus

1. Union of India through its Secretary Ministry of Finance, Department of Financial Service, RRB Section, Banking Division, Jeevan Deep Building 3rd Floor, Parliament Street, New Delhi- 110001.
2. National Bank for Agriculture and Rural Development (NABARD) Through its Chief General Manager Having its Head Office At- Plot C-24, G Block, Bandra Kurla Complex, BKC Road, Bandra East, Mumbai, Maharashtra 400051.
3. Punjab National Bank (PNB) Through its CMD Having its Head Office at Plot No. 4, Sector 10, Dwarka New Delhi- 110075.
4. Dakshin Bihar Gramin Bank Through its Chairman Having its Office at Shri Vishnu Commercial Complex, NH-30 New Bypass Near BP Highway Services Petrol Pump, Asochak, Patna- 800016.
5. Board of Directors Dakshin Bihar Gramin Bank Through its Chairman Having its Office at Shri Vishnu Commercial Complex, NH-30 New Bypass Near BP Highway Services Petrol Pump, Asochak, Patna- 800016.
6. The Chairman Dakshin Bihar Gramin Bank (DBGB) Having its Office at Shri Vishnu Commercial Complex, NH-30 New Bypass Near BP Highway Services Petrol Pump, Asochak, Patna- 800016.
7. The General Manager (HRD/ Pension) Dakshin Bihar Gramin Bank having its office at- Shri Vishnu Commercial Complex, NH-30 New Bypass Near BP Highway Services Petrol Pump, Asochak, Patna- 800016.
8. Chief Manager Pension Cell Dakshin Bihar Gramin Bank having its office at- Shri Vishnu Commercial Complex, NH-30 New Bypass Near BP Highway Services Petrol Pump, Asochak, Patna- 800016.

... .. Respondent/s

**Appearance :**

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| For the Petitioner/s | : | Mr.Jai Prakash Singh, Adv.   |
| For the NABARD       | : | Mr. Siddhartha Prasad, Adv.  |
| For the UOI          | : | Mr. Rajesh Kumar Verma, AASG |
| For the Bank         | : | Mr. Raj Nandan Prasad, Adv.  |
| For the Gramin Bank  | : | Mr. M.N.Parbat, Sr. Adv.     |

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

5      21-01-2021      The present writ petition has been filed for



directing the authorities of the Dakshin Bihar Gramin Bank to grant pensionary benefits to the petitioner herein despite the fact that he has stood compulsorily retired by an order dated 06.05.2015.

The learned counsel for the petitioner has relied on a judgment rendered by this Court by a coordinate Bench of this Court dated 05.10.2020 passed in CWJC No. 12921 of 2019 (***Shrinath Upadhyay vs. Union of India & Ors.***), paragraphs no. 61 to 67 whereof are reproduced hereinebelow:-

61. This Court has already discussed in detail the several provisions of the Pension Regulations 2018 and harmonious construction of all the provisions have been made. The background in which Pension Regulations 2018 came and the clear directions of the Hon'ble Karnataka High Court which was approved by the



Hon'ble Supreme Court leaves no ambiguity in the minds of this Court that the pension scheme framed for the employees of the RRBs cannot be given any interpretation which may have a potential to draw a distinction in the matter of treatment as respect payment of pensionary benefits between the employee of the sponsor banks and the employee of the Regional Rural Banks. Sometimes the previous judicial pronouncements leading to enactment for framing of a statutory rules comes in aid in interpreting the provisions of the Statute or Rule as the case may be.

62. In the present case the kind of



interpretation being sought to be given by respondent nos. 4 to 8 to the Pension Regulations 2018 would only lead to an incongruous position and will detract from the line with the pension scheme formulated for the employees of the sponsor Banks. It is an admitted position that the employees of the sponsor Banks who have been imposed with a punishment of compulsory retirement are being considered for the superannuation benefits i.e. Pension and/or PF and Gratuity as would be due otherwise under the Rules or Regulations. In this connection, the IBA circular on Pension dated December 23, 2015 as contained in Annexure '8/1' to



the writ application may be referred to.

63. This Court, therefore, finds that the impugned communication as contained in Letter Reference No. DBGB/HO/HRD-Pension/3998 dated 30.05.2019 (Annexure 7/1) issued by the Chief Manager of Dakshin Bihar Gramin Bank (respondent no. 8) is not sustainable in law, hence the same is liable to be set aside and accordingly it is hereby set-aside.

64. So far as issue of privilege leave is concerned, this Court finds that the issue has been elaborately discussed in judgment of this Court in the case of Amitesh Kumar Roy Vs. Madhya Bihar Gramin Bank & Anr. (C.W.J.C. No. 17150 of 2017



and its analogous case) dated 16.09.2020, the case of the petitioner would be fully covered thereunder, and hence, the petitioner would be entitled for the benefits of encashment of Privilege Leave accumulated to his credit as on the date of his compulsory retirement. In the written notes of argument learned Senior counsel has relied on the judgment of Hon'ble Supreme Court in the case of Union of India Versus Gurnam Singh reported in (1982) 2 SCC 314. This Court has gone through the same and finds that the respondents cannot draw any support from the same. The judgment, in fact supports the case of the petitioner. The relevant



observations from the said judgment are quoted hereunder:-

“.....We may observe that even as a right to receive pension, although accruing on retirement, is a condition of service, so also the right to the payment of the cash equivalent of leave salary for the period of unutilised leave accruing on the date of retirement must be considered as a condition of service.

8. In our judgment, the High Court is right in upholding the claim of the respondent to the payment of the cash equivalent of the leave salary in respect of the period of earned leave at his credit on the date of retirement in accordance with the provisions of Rule 20-R of the All India Services (Leave) Rules, 1955 read with Rule 2 of the High Court Judges Rules, 1956.”

65. The respondent nos. 4 to 8 are



therefore, directed to consider the case of the petitioner for pension option in terms of his request as contained in Annexure '7' to the writ application and take a decision keeping in view this judgment within a period of two months from the date of receipt/production of a copy of this judgment.

66. The aforesaid respondent shall also consider the claim of the petitioner on account of privilege leave accumulated to his credit on the date of compulsory retirement and pay the same with interest at the rate of 6% per annum to be calculated from the date three months after the order of compulsory retirement was passed till the date of the payment.



67. This writ application is thus, allowed in the aforementioned terms. There will, however, be no order as to cost."

The learned Senior Counsel appearing for Dakshin Bihar Gramin Bank, Sri M.N.Parbat, the learned counsel appearing for the NABARD, Sri Siddhartha Prasad, the learned counsel for the UOI, Sri Rajesh Kumar Verma, and the learned counsel for the Respondent-Bank, Sri Raj Nandan Prasad, do not dispute the fact that the present case is squarely covered by the aforesaid judgment rendered in the case of ***Shrinath Upadhyay vs. Union of India & Ors.*** (*supra*).

Having regard to the undisputed fact that the present case is fully covered by a judgment rendered by a coordinate Bench of this Court in the case of ***Shrinath Upadhyay vs. Union of India & Ors.***(*supra*), I deem it fit and proper to dispose of the present writ petition on similar terms and



further direct the Respondent Nos. 4 to 8 to grant similar benefits to the petitioner herein. Accordingly, the impugned order passed by the Respondent No. 8, as contained in letter No.DBGB/HO/HRD-Pension/3990/2019 dated 30.05.2019 stands quashed.

The writ petition stands allowed.

**(Mohit Kumar Shah, J)**

Ajay/-

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