

23.02.2021

Ct. No.13

Sl. No.21

akd

**W.P.A. 3563 of 2020 [via video conference]
(CAN 1 of 2020)**

[Bahar Ali -Vs- The Bangiya Gramin Vikash Bank & Ors.]

Mr. Kamakshya Prasad Mukhopadhyay
... .. for the petitioner

Md. Mokaram Hossain
... .. for the Bank

The writ petitioner superannuated from service of the Bangiya Gramin Vikash Bank on 30th April, 2013. He admittedly received his final payments on account of provident fund for a sum of Rs.5,56,732/- on 3rd May, 2014.

The bank implemented Pension Regulations by notification dated 28th December, 2018. The petitioner exercised option for pension on 10th January, 2019 under the aforesaid Regulations. The petitioner was to refund the bank's contribution towards provident fund on or before 7th June, 2019.

The petitioner claims to have been informed by a letter dated 20th May, 2019 of the amount to be refunded by him. The petitioner thereafter sought extension of time vide letter dated 3rd June, 2019. He also applied to the bank for a short term loan to meet his refund requirements.

The Regulations clearly prescribe that the refund is required to be made by the petitioner within the time stipulated therefor. There cannot be any exception to the petitioner extending the time for such deposit.

Admittedly, the petitioner did not have the said amount for the purpose of making any refund to the bank.

In these circumstances, this Court finds no error on the part of the bank in refusing to extend the time to enable the petitioner to make refund and/or deposit as claimed in the writ application. The petitioner is not entitled to pension under the aforesaid Regulations of 2018.

The writ petition is hereby dismissed.

In view of dismissal of the writ petition, CAN 1 of 2020 is also disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Rajasekhar Mantha, J.)