

**In the High Court of Punjab and Haryana, at Chandigarh**

1.

Civil Writ Petition No. 36850 of 2019

Himmat Singh Mann

... Petitioner(s)

Versus

Union of India and Others

... Respondent(s)
2.

Civil Writ Petition No. 33872 of 2019

Virender Kumar Mehandru

... Petitioner(s)

Versus

Union of India and Others

... Respondent(s)
3.

Civil Writ Petition No. 36861 of 2019

Dev Raj Modi

... Petitioner(s)

Versus

Union of India and Others

... Respondent(s)
4.

Civil Writ Petition No. 36871 of 2019

Jeevan Kumar Laroia

... Petitioner(s)

Versus

Union of India and Others

... Respondent(s)
5.

Civil Writ Petition No. 36897 of 2019

Devki Nandan Vaid

... Petitioner(s)

Versus

Union of India and Others

... Respondent(s)
6.

Civil Writ Petition No. 36909 of 2019

M.M.Pathak

... Petitioner(s)

Versus

Union of India and Others

... Respondent(s)

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| 7.                        | Civil Writ Petition No. 37101 of 2019 |
| Tejinder Kaur             | ... Petitioner(s)                     |
|                           | Versus                                |
| Union of India and Others | ... Respondent(s)                     |
| 8.                        | Civil Writ Petition No. 660 of 2021   |
| V.K.Munshi                | ... Petitioner(s)                     |
|                           | Versus                                |
| Union of India and Others | ... Respondent(s)                     |
| 9.                        | Civil Writ Petition No. 664 of 2021   |
| R.S.Malik                 | ... Petitioner(s)                     |
|                           | Versus                                |
| Union of India and Others | ... Respondent(s)                     |
| 10.                       | Civil Writ Petition No. 666 of 2021   |
| Sunder Lal Dangwal        | ... Petitioner(s)                     |
|                           | Versus                                |
| Union of India and Others | ... Respondent(s)                     |
| 11.                       | Civil Writ Petition No. 667 of 2021   |
| Krishan Lal Kwatra        | ... Petitioner(s)                     |
|                           | Versus                                |
| Union of India and Others | ... Respondent(s)                     |
| 12.                       | Civil Writ Petition No. 668 of 2021   |
| Dinesh Bhansali           | ... Petitioner(s)                     |
|                           | Versus                                |
| Union of India and Others | ... Respondent(s)                     |

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| 13.                       | Civil Writ Petition No. 669 of 2021 |
| Hans Raj Gupta            | ... Petitioner(s)                   |
|                           | Versus                              |
| Union of India and Others | ... Respondent(s)                   |
| 14.                       | Civil Writ Petition No. 670 of 2021 |
| Deep Chand Aggarwal       | ... Petitioner(s)                   |
|                           | Versus                              |
| Union of India and Others | ... Respondent(s)                   |
| 15.                       | Civil Writ Petition No. 671 of 2021 |
| Vipin Kumar Bhatia        | ... Petitioner(s)                   |
|                           | Versus                              |
| Union of India and Others | ... Respondent(s)                   |
| 16.                       | Civil Writ Petition No. 672 of 2021 |
| Raj Kumar Anand           | ... Petitioner(s)                   |
|                           | Versus                              |
| Union of India and Others | ... Respondent(s)                   |
| 17.                       | Civil Writ Petition No. 673 of 2021 |
| P.A.Subhadra              | ... Petitioner(s)                   |
|                           | Versus                              |
| Union of India and Others | ... Respondent(s)                   |
| 18.                       | Civil Writ Petition No. 675 of 2021 |
| Mohinder Singh Khangura   | ... Petitioner(s)                   |
|                           | Versus                              |
| Union of India and Others | ... Respondent(s)                   |

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| 19.                       | Civil Writ Petition No. 677 of 2021 |
| Harish Chandra Kachhara   | ... Petitioner(s)                   |
| Union of India and Others | Versus<br>... Respondent(s)         |
| 20.                       | Civil Writ Petition No. 679 of 2021 |
| P.K.Dasgupta              | ... Petitioner(s)                   |
| Union of India and Others | Versus<br>... Respondent(s)         |
| 21.                       | Civil Writ Petition No. 680 of 2021 |
| Onkar Nath                | ... Petitioner(s)                   |
| Union of India and Others | Versus<br>... Respondent(s)         |
| 22.                       | Civil Writ Petition No. 682 of 2021 |
| Rajendra Mehra            | ... Petitioner(s)                   |
| Union of India and Others | Versus<br>... Respondent(s)         |
| 23.                       | Civil Writ Petition No. 684 of 2021 |
| Ashok Kumar Verma         | ... Petitioner(s)                   |
| Union of India and Others | Versus<br>... Respondent(s)         |
| 24.                       | Civil Writ Petition No. 685 of 2021 |
| Shanti Lal Kumawat        | ... Petitioner(s)                   |
| Union of India and Others | Versus<br>... Respondent(s)         |

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| 25.                       | Civil Writ Petition No. 686 of 2021 |
| Suman Bakshi              | ... Petitioner(s)                   |
|                           | Versus                              |
| Union of India and Others | ... Respondent(s)                   |
| 26.                       | Civil Writ Petition No. 687 of 2021 |
| Satish Kumar Sharma       | ... Petitioner(s)                   |
|                           | Versus                              |
| Union of India and Others | ... Respondent(s)                   |
| 27.                       | Civil Writ Petition No. 688 of 2021 |
| Anil Bhai Shah            | ... Petitioner(s)                   |
|                           | Versus                              |
| Union of India and Others | ... Respondent(s)                   |
| 28.                       | Civil Writ Petition No. 689 of 2021 |
| Murrari Lal Aggarwal      | ... Petitioner(s)                   |
|                           | Versus                              |
| Union of India and Others | ... Respondent(s)                   |
| 29.                       | Civil Writ Petition No. 690 of 2021 |
| Kirat Pal Aggarwal        | ... Petitioner(s)                   |
|                           | Versus                              |
| Union of India and Others | ... Respondent(s)                   |
| 30.                       | Civil Writ Petition No. 691 of 2021 |
| B.S.Khurana               | ... Petitioner(s)                   |
|                           | Versus                              |
| Union of India and Others | ... Respondent(s)                   |

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| 31.                       | Civil Writ Petition No. 693 of 2021 |
| Kuckoo Arora              | ... Petitioner(s)                   |
|                           | Versus                              |
| Union of India and Others | ... Respondent(s)                   |
| 32.                       | Civil Writ Petition No. 696 of 2021 |
| Krishan Lal Gupta         | ... Petitioner(s)                   |
|                           | Versus                              |
| Union of India and Others | ... Respondent(s)                   |
| 33.                       | Civil Writ Petition No. 703 of 2021 |
| Surinder Mohan Chopra     | ... Petitioner(s)                   |
|                           | Versus                              |
| Union of India and Others | ... Respondent(s)                   |
| 34.                       | Civil Writ Petition No. 706 of 2021 |
| Bimal Rai Khanna          | ... Petitioner(s)                   |
|                           | Versus                              |
| Union of India and Others | ... Respondent(s)                   |
| 35.                       | Civil Writ Petition No. 715 of 2021 |
| Rajinder Singh Bajaj      | ... Petitioner(s)                   |
|                           | Versus                              |
| Union of India and Others | ... Respondent(s)                   |
| 36.                       | Civil Writ Petition No. 725 of 2021 |
| Sadhu Ram Saini           | ... Petitioner(s)                   |
|                           | Versus                              |
| Union of India and Others | ... Respondent(s)                   |

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| 37.                       | Civil Writ Petition No. 726 of 2021 |
| Zinabhai J Bhatt          | ... Petitioner(s)                   |
|                           | Versus                              |
| Union of India and Others | ... Respondent(s)                   |
| 38.                       | Civil Writ Petition No. 742 of 2021 |
| Dharam Dutt Grover        | ... Petitioner(s)                   |
|                           | Versus                              |
| Union of India and Others | ... Respondent(s)                   |
| 39.                       | Civil Writ Petition No. 743 of 2021 |
| Dalip Kumar Pain          | ... Petitioner(s)                   |
|                           | Versus                              |
| Union of India and Others | ... Respondent(s)                   |
| 40.                       | Civil Writ Petition No. 744 of 2021 |
| Usha Bhasin               | ... Petitioner(s)                   |
|                           | Versus                              |
| Union of India and Others | ... Respondent(s)                   |
| 41.                       | Civil Writ Petition No. 750 of 2021 |
| Mukat Ram Tanwar          | ... Petitioner(s)                   |
|                           | Versus                              |
| Union of India and Others | ... Respondent(s)                   |
| 42.                       | Civil Writ Petition No. 754 of 2021 |
| Bhisham Kumar Kabra       | ... Petitioner(s)                   |
|                           | Versus                              |
| Union of India and Others | ... Respondent(s)                   |

**43. Civil Writ Petition No. 774 of 2021**

Balbir Singh Godara  
... Petitioner(s)  
Versus  
Union of India and Others  
... Respondent(s)

**44. Civil Writ Petition No. 797 of 2021**

Devinder Singh Khurana  
... Petitioner(s)  
Versus  
Union of India and Others  
... Respondent(s)

**AND**

**45. Civil Writ Petition No. 806 of 2021**

Tejpal Singh Kothari  
... Petitioner(s)  
Versus  
Union of India and Others  
... Respondent(s)

**DATE OF DECISION: 23.03.2021**

**CORAM: Hon'ble Mr. Justice Anil Kshetarpal.**

Present: Mr. H.S.Dhindsa, Advocate  
for the petitioner(s).

Mr. Gaurav Pathak, Central Government  
Standing Counsel for Union of India-  
respondent No.1.

Mr. R. Kartikeya, Advocated  
for respondent-Punjab and Sind Bank.

Mr. R.N.Lohan, Advocate  
for respondent-Oriental Bank of Commerce and  
Indian Bank Association.

**Anil Kshetarpal, J.**

By this judgment, various writ petitions, details whereof have  
been given on the heading of the judgment, shall stand disposed of. Learned

counsel representing the petitioners as well as the respondent-banks are *ad idem* that these writ petitions can be conveniently disposed of by a common order.

In this bunch of writ petitions, the petitioners have claimed twin reliefs. First is with regard to the payment of dearness allowance/relief as per the rate specified in the 7<sup>th</sup> bipartite settlement and not as per the joint note dated 02.06.2005. This matter has already been examined in detail while deciding Civil Writ Petition No. 31321 of 2019 and other connected cases, which is being pronounced today itself. Hence, no further deliberation on the aforesaid issue is required.

The second relief sought is with regard to grant of salary for a period of 75 days under Regulation 29 of the Pension Regulations, 1995. It would be noted here that the Regulation No. 29 of the Pension Regulations, 1995 identically worked for all the nationalized banks. Regulation 29 of the Regulations framed by the Union Bank of India (Employees') Pension Regulations, 1995 reads as under:-

*“29. Pension on Voluntary Retirement –*

- 1. On or after the 1st day of November 1993, at any time after the an employee has completed twenty years of qualifying service he may, by giving notice of not less than three months in writing to the appointing authority, retire from service:*

*Provided that this sub – regulation shall not apply to an employee who is on deputation or on study leave abroad unless after having been transferred or having returned*

*to India he has resumed charge of the post in India and has served for a period of not less than one year:*

*Provided further that this sub – regulation shall not apply to an employee who seeks retirement from service for being absorbed permanently in an autonomous body or public sector undertaking or company or institution or body, whether incorporated or not to which he is on deputation at the time of seeking voluntary retirement:*

*Provided that this sub-regulation shall not apply to an employee who is deemed to have retired in accordance with clause (1) of Regulation 2.*

2. *The notice of voluntary retirement given under sub – Regulation (1) shall require acceptance by the appointing authority: Provided that where the appointing authority does not refuse to grant the permission for retirement before the expiry of the period specified in the said notice, the retirement shall become effective from the date of expiry of the said period.*

3. (a) *An employee referred to in sub regulation (1) may make a request in writing to the writing to the appointing authority to accept notice of voluntary retirement of less than three months giving reasons therefore :*

(b) *On receipt of a request under clause (a), the appointing authority may, subject to the provisions of sub – regulation (2), consider such request for the*

*curtailment of the period of notice of three months on merits and if it is satisfied that the curtailment of the period of notice will not cause any administrative inconvenience, the appointing authority may relax the requirement of notice of three months on the condition that the employee shall not apply for commutation of a part of his pension before the expiry of the notice of three months.*

4. *An employee, who has elected to retire under this regulation and has given necessary notice to that effect to the appointing authority, shall be precluded from withdrawing his notice except with the specific approval of such authority:*

*Provided that the request for such withdrawal shall be made before the intended date of his retirement.*

5. *The qualifying service of an employee retiring voluntarily under this regulation shall be increased by a period not exceeding five years, subject to the condition that the total qualifying service rendered by such employee shall not in any case exceed thirty three years and it does not take him beyond the date of superannuation.*
6. *The pension of an employee retiring under this regulation shall be based on the average emoluments as defined under clause (d) of regulation 2 of these*

*Regulations and the increase not exceeding five years in his qualifying service, shall not entitle him any notional fixation of pay for the purpose of calculating his pension”.*

On careful reading of Regulation 29, it is apparent that the bank may accept a request to curtail the period of notice of voluntary retirement by giving reasons. It would be noted here that before an employee can claim the benefit of Regulation 29(3) of the Pension Regulations, 1995 he is required to fulfill the twin conditions. First, he has to show that he made a request in writing to the appointing authority to accept the notice of voluntary retirement of less than three months. Second, the appointing authority had accepted his request to curtail the period of notice of three months.

In these writ petitions, which have been filed in the year 2019 and 2021, the petitioners have not annexed the orders accepting or rejecting the request as provided under Regulation 29(3) of the Pension Regulations, 1995. Still further, all these petitioners have voluntarily retired prior to 01.11.2002. The first writ petition in this regard was filed in 2013 which was disposed of by the Court on 04.07.2018 directing the bank to consider the claim of the petitioners. Even if the period upto 2013 is taken into consideration, still the claim of the petitioners suffer from unexplained delay and latches. The request of all the writ petitioners in all these petitions for voluntary retirement was accepted by the respondent-bank prior to 01.11.2002. Still further, in the absence of the copies of the orders by which the claim of the petitioners was accepted or rejected and in the absence of

any challenge thereto, no relief in these writ petitions can be granted.

For both the reasons stated above, all the writ petitions are dismissed.

(Anil Kshetarpal)  
Judge

March 23, 2021  
“DK”

Whether speaking/reasoned :Yes/No  
Whether reportable : Yes/No