

OD-1

ORDER SHEET

WPO/130/2021

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

MALATI SINGH
VS
PUNJAB NATIONAL BANK AND ORS.

BEFORE:

The Hon'ble JUSTICE LAPITA BANERJI

Date : 25th November, 2022

Appearance:

Mr. Sudeep Sanyal, Adv.

Ms. Lopamudra Moitra, Adv.

Mr. Arun Bandyopadhyay, Adv.

...for the petitioner

The Court: In this writ petition the petitioner has prayed for setting aside of the impugned decision communicated by a letter dated December 7, 2020 passed by the Assistant Manager, Punjab National Bank. Furthermore, she prays for family pension month by month from the date of death of her husband on November 3, 2016.

From the impugned letter it appears that the deceased husband of the petitioner/delinquent employee failed to present himself time and again before the Enquiry Officer during the hearing of the disciplinary proceedings and an order of dismissal from service was passed against the delinquent employee. Therefore, it was held by the Assistant General Manager, that the petitioner is not entitled to family pension.

Mr. Sudeep Sanyal, learned counsel appears on behalf of the petitioner and submits that under the guideline of the Bank for disbursal of family pension, it has been stipulated that the authorities concerned may consider the prayer for disbursal of family pension even in cases where delinquent employees have been terminated from service by way of 'dismissal'.

Despite service, no one represents the Bank today.

The petitioner has only challenged the impugned letter dated December 7, 2020 which this Court finds to have been issued in accordance with law. In service jurisprudence when a delinquent employee is "**dismissed**" from service he is not entitled to any pensionary benefits.

In the circumstances, the writ petition being **WPO/130/2021** is **dismissed**.

Needless to mention, in case the petitioner prays for family pension on compassionate grounds by way of a fresh representation before the employer/bank, the same may be considered as per the extant policy/rules/guidelines.

All parties to act on a server copy of this order downloaded from the official website of this Court.

Urgent certified website copies of this order, if applied for, be made available to the parties subject to compliance with all requisite formalities.

(LAPITA BANERJI, J.)