

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.10854 of 2022

Bharat Chandra Khilar @ Bharat Chandra Khillar ***Petitioner***

Mr.Kuldeep Mohanty, Advocate

-versus-

Bank of India, Mumbai and others ***Opposite Parties***

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

09.05.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner.
3. The present writ application has been filed by the Petitioner with the following prayer:

“It is, therefore, prays that Your Lordship may graciously be pleased to issue Rule NISI in the nature of certiorari/mandamus calling upon the Opp. Parties to show cause as to why the orders of the Opp. Parties dated 29.10.2018 and 16.11.2018 vide Annexure-8 & 9 respectively shall not be set aside/quashed and further as to why the Opp. Parties shall not be directed to give the pensioner benefit to the Petitioner as per Bank of India (Employees’) Pension Scheme, 1995.;

And in the event the Opp. Parties fail to show cause or show insufficient cause the said rule be made absolute and the order passed by the Opp. Parties dated 29.10.2018 and 16.11.2018 vide Annexure-08 and 09 respectively be set aside/quashed and further the Opp. Parties be directed to iv all the pension benefit to the Petitioner as per Bank of India (Employees’) Pension Scheme, 1995.

And may further be pleased to pass any other order/orders, direction/directions and writ/writs as deem fit

and proper.”

4. It is submitted by the learned counsel for the Petitioner that the Petitioner was initially appointed as sub-staff in the Bank of India in the year 1974. Thereafter he was promoted to the post of Cashier-cum-Accounts Clerk and was discharging his duty at various branches of Bank of India. Finally in the year 1986 the Petitioner got entangled in a criminal case. Accordingly both criminal case as well as departmental proceeding were initiated against the Petitioner. Subsequently the Petitioner was acquitted in the criminal case in the year 1996. However in the Departmental Proceeding against the Petitioner, punishment was imposed. It is further submitted by the learned counsel for the Petitioner that the Petitioner is entitled to pensionary benefit in view of the circular of the Bank which has been issued on the basis of a judgment of the Hon'ble Supreme Court of India in the matter of **Bank of Baroda v. S.K.Kool** referred in the circular dated 23.12.2015 which has been filed along with the writ application as Annexure-11. In such view of the matter learned counsel for the Petitioner submits that the Petitioner intends to file a fresh representation highlighting his grievance and the authority be directed to consider the fresh representation in the light of the circular under Annexure-11.

5. Considering the limited nature of grievance this Court disposes of the writ application at the stage of admission by directing the Petitioner to file a fresh representation within six weeks from today along with all necessary supporting documents and a certified copy of this order. In the event such representation is filed, the same shall be considered in accordance with law in the light of the circular dated 23.12.2015 and shall be disposed of by passing a speaking and reasoned order within a period of two months from the date of filing

of the representation. The decision so taken on the representation of the Petitioner shall be communicated to the Petitioner within two weeks thereafter.

6. This Court has however, not expressed any opinion on the merits of the case.

7. With the aforesaid observation the writ application stands disposed of.

8. Issue urgent certified copy as per Rules.

9. Issue urgent certified copy of this order as per Rules.

RKS

