

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(227)

CWP No. 11283 of 2018
Date of Decision : 17.03.2022

Karnail Singh

...Petitioner

Versus

The Punjab National Bank and others

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gagandeep Singh Manku, Advocate for the petitioner.

Mr. Saurav Verma, Advocate for the respondents.

Harsimran Singh Sethi J. (Oral)

The present petition has been filed for issuance of a direction to the respondents to permit the petitioner to opt for the pension scheme, which was brought into operation in the year 2010.

The factual aspect, which has been given by the petitioner in the present petition is that he retired from the service of Punjab National Bank on 31.08.2004. At the said time, there was no pension scheme available and it was only in the year 2010, a pension scheme was introduced by the respondent-bank vide Circular dated 16.08.2010 (Annexure P-1) and the employees, who had already retired from the service of the bank, were given an option to apply for the said scheme. Petitioner has mentioned in the present petition that as the petitioner was not present in India and was at

United Kingdom when employees were to opt for said scheme, he could not opt for the same and, therefore, he be allowed to opt for the same now.

After notice of motion, the respondents have filed the reply, wherein, it has been stated by the respondents that at the time when the petitioner was in service, there also existed a pension scheme for which the petitioner never opted while in service. With regard to the scheme, which was floated by the respondent-bank in the year 2010, learned counsel for the respondents submits that option was given to the employees to apply for the same within timeframe and as the petitioner failed to do so at that relevant time, he cannot be allowed to opt for the same at this stage.

Learned counsel for the respondents further submits that the plea being taken by the petitioner that he was at United Kingdom at the time when the pension scheme was floated, cannot come to the rescue of the petitioner and the same is only an after thought for the reason that concededly the petitioner came back to India in November, 2010, whereas the request for opting the pension scheme was made by the petitioner seven years thereafter in the year 2017, which fact itself makes it clear that the reason given by the petitioner to opt for the scheme that he could not opt for the scheme is factually incorrect.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once a scheme is floated by an authority, the same has to be operated as per the terms and conditions of the same. In case, anyone raises a grievance for not opting for the scheme, he has to show that he was prevented with justifiable reason, which was beyond his control to opt for

the said scheme. In the present case, the reasons, which are being given by the petitioner for not opting for the pension scheme, are not the one, which were beyond his control.

Further, the reason given by the petitioner that he was visiting United Kingdom in the year 2010 and could not opt for the scheme, cannot be believed for the reason that had that be the reason, the petitioner would have opted for the scheme immediately in November, 2010, when he returned back to India whereas, concededly, the petitioner only applied for exercise of option for opting for the pension scheme in the year 2017. Delay in exercising of the option itself oust the petitioner for the grant of benefits being claimed in this petition. That being so, no permission for option can be allowed at this belated stage to the petitioner.

Once, the petitioner failed to exercise the option within timeframe as envisaged under the scheme and no reason has been brought to the notice of this Court that the said option cannot be exercised for the reason, which was beyond the control of the petitioner, no interference of this Court is called for in the present petition.

Dismissed.

March 17, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes