

WPA 4477 of 2008
with
IA No. CAN 1 of 2010 (Old No. CAN 8587 of 2010)
(Ashis Kanti Dhar Vs. The Punjab National
Bank & Ors.)

Mr. Sudeep Sanyal
Mr. Sukanta Das
Mr. Chandrachur Lahiri

..... For the petitioner

Mr. Amitava Mitra
Mr. Subhadip Banerjee

**..... For the respondent
nos. 5 & 6**

The petitioner, a retired employee of Punjab National Bank (in short, 'PNB') has knocked the door of the writ Court seeking a direction to release and disburse the '*full pension and commutation along with interest thereon*'.

Mr. Sanyal, learned advocate appearing for the petitioner submits that in 1995 one pension scheme was introduced for the officers and employees of Punjab National Bank (in short, PNB) and one fund was also created. The officers and employees, who wanted to enjoy the pension, were asked to exercise their option and certain amount was directed to be deducted from the provident fund of the officer and employee who opted to enjoy pension and the Bank agreed to contribute the employer's share in the said fund.

The present petitioner retired in 2007. Before his retirement, he exercised option to enjoy the pension but the respondents took the plea that the petitioner had not exercised any option to enjoy the benefits of pension and at the time of his retirement, his contribution to the fund was deposited in his account and no pension was released in his favour.

In 2010, another opportunity was given to the employees who omitted to exercise option to enjoy the pension under 1995 scheme. The petitioner exercised his option to enjoy the pension and he was asked to refund his contribution to the fund along with interest. Consequently, the petitioner refunded that amount along with interest.

Mr. Sanyal contends that only a portion of the full pension was released in favour of the petitioner though the petitioner is entitled to get full pension and he further contends that the petitioner is entitled to arrears along with interest accrued thereon from 2007 to 2010.

Mr. Mitra, learned advocate appearing for the bank submits that the pension has been released in favour of the petitioner but it is to be examined whether the full pension or a fraction thereof was released in his favour or whether he will get any arrear accrued for the period commencing from 2007 to 2010.

Having heard the learned advocates appearing for the parties and upon consideration of contentions

canvassed the parties, the writ petition is disposed of directing the respondent no. 3 to treat this writ petition as a representation of the petitioner and to consider and dispose of the same after affording an opportunity of hearing to the petitioner and the respondent no. 3 shall take decision whether or not the petitioner shall be entitled to get full pension or any arrear either in form of pension or in form of any other fringe benefit accrued in his favour for the period commencing from 2007 to 2010.

Such exercise must be completed within six weeks from date of communication of this order. The writ petitioner is directed to submit a copy of the writ petition in the office of the respondent no. 3 positively within ten days from date.

If the representation is decided in favour of the petitioner, the respondent no. 3 shall take next follow up action to release and/or disburse the full pension, any other fringe benefit or arrear, if any, along with interest accrued thereon in favour of the petitioner and if the representation is decided against the petitioner, the respondent no. 3 shall pass a speaking order which must be communicated to the petitioner within two weeks from the date of taking decision. Suffice it to observe that interest is not penalty or punishment but it is normal accretion on capital. If it is found that certain amounts which the petitioner was entitled to get in 2007 or onwards have been withheld, the

petitioner shall be entitled to get interest accrued thereon since the bank has been enjoying interest on that amount.

It is clarified that this Court has not gone into the merit as regards the grievance ventilated by the petitioner in the writ petition.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.)