

10.11.2023

Ct. 35
Sd. 10.

WPA 9956 of 2020

Abhoy Charan Basu
Vs.
Paschim Banga Gramin Bank & Ors.

Mr. Mohinoor Rahaman
Mr. Iqra Rahaman ..For the petitioner.

Mr. Baidurya Ghosal ..For the respondent no. 1.

The petitioner is the retired employee of Paschim Banga Gramin Bank (PBGB in short), who has retired from his service on November 30, 2014. The petitioner admits that there was no pension scheme in vogue in his organization on the date when he retired. Later on, pursuant to the direction of the Hon'ble Supreme Court in SLP (C) No. 39283 of 2012 regarding pension parity to RRB employees, NABARD/the Central Government has issued a notification dated 15th November 2018 to promulgate the Regulation namely, Paschim Banga Gramin Bank Pension Regulation, 2018. The said regulation came into effect from first day of April 2018 [as per Regulation 2(k)].

The petitioner seeks redressal of his grievance that since pursuant to the judicial pronouncement of the other Constitutional Courts like that of the High Court of Karnataka and the Supreme Court, Pension

Scheme was formulated in terms of the memorandum of settlement dated October 29, 1993, and for the reason that since the petitioner had retired in the year 2014, he seeks an order that pensionary benefits in terms of the said regulation as mentioned above, may be afforded to him with effect from the date of his retirement.

To substantiate the said prayer of the petitioner, the learned advocate appearing for the petitioner has mentioned Regulation 26 of the said Regulations, which says that superannuation pension shall be granted to an employee who has retired, on attaining of his superannuation.

Mr. Ghosal, learned advocate appearing for the respondent Bank has, however, raised objection to the prayer of the petitioner on the ground that effect of the said notification as mentioned above, cannot be retrospectively made with effect from the date of actual superannuation of the present petitioner which was in the year 2014. He has pointed out that the effective date of the said notification is in the year 2018. The same being the guiding regulations under which the present petitioner is covered, he shall be entitled to the pensionary benefits with effect from the date of coming into effect of the said notification and not before.

So far as Regulation of 2018 is concerned, it is apparent that the effective date of the same is the 1st day of April, 2018. There is no dispute to the fact that since from that date, the petitioner is in receipt of the due pension till date. There is no scope for retrospective application of the said notification unless superficially provided. It appears that after the direction of the Hon'ble Supreme Court passed in the above case on 25.11.2018 and in compliance thereof, the said notification of 2018, has been promulgated.

Therefore, there is hardly any scope for grant of petitioner's prayer, which would be dehors the provisions of the existing Regulation of 2018.

In view of the said fact, no merit is found in the present writ petition and the same is dismissed.

However, let it be mentioned with ample clarity that the petitioner shall continue to receive the pension as per 2018 Regulations, as he has been receiving since the date of coming into effect of the said Regulations.

Urgent photostate certified copy of this order be supplied to the parties on priority basis, if applied for.

(Rai Chattopadhyay J.)