



WEB COPY



W.P.No.11861 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07..06..2023

Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

Writ Petition No.11861 of 2013
and M.P.No.1 of 2013

K.Ayyanar,
Senior Manager (HRM) (Retd.),
E.O. No.55753, (VR under BOBEPR, 1995),
Regional Office (Bulsar Region),
Mahalaxmi Towers, Tithal Road,
Bulsar – 396 001, Gujarat.
Now residing at
No.58, Thiruvalluvar Street,
Pachiamman Nagar, Zamin Pallavaram,
Chennai 600043.

..... Petitioner

-Versus-

1.Union of India,
Rep. by The Chairman and Managing Director,
Bank of Baroda,
Baroda Corporate Centre,
C-26, G-Block, Bandra Kurla Complex,
Mumbai 400051.

2.The General Manager (HRM),
Bank of Baroda,
Baroda Corporate Centre,
C-26, G-Block, Bandra Kurla Complex,
Mumbai 400051.

3.The Chief Manager (Pension & Gratuity),
HRM Department, Baroda House,
Mandvi, Baroda 390006.

..... Respondents



W.P.No.11861 of 2013

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the order of the 2nd respondent made in No.BCC:HRM:HR-A-39/2503 dated 09/13.03.2012 and to quash the same and consequently, direct the respondents to do the necessary – to arrange to add the past service rendered by the petitioner in BSNL before joining the Bank of Baroda on Technical resignation for the purpose of pensionary benefits.

For Petitioner : Mr.R.Ganesan

*For Respondents : Mr.M.Arun Kumar for
M/s.Sampathkumar Associates for
RR2 & 3*

No appearance for R1

ORDER

This writ petition challenges the order passed by the 2nd respondent dated 09.03.2012/13.03.2012 refusing to count the past service of the petitioner in BSNL for the purpose of pension calculation.

2. The petitioner joined the service of the respondent bank on 31.01.1990 as Personal Officer in JMG/S-1 and voluntarily retired as Senior Manager (HRM) on 30.04.2010.



W.P.No.11861 of 2013

3. According to the petitioner, prior to joining the service of the respondent bank, he joined BSNL as Assistant Superintendent Telegraph Traffic on 02.06.1975 and was working there till 28.01.1990. He applied through proper channel and joined the services of the respondent bank on 31.01.1990. He got voluntarily retired on 30.04.2010 without any issues. At the time of calculating his pension, he noticed that his service with the Bank of Baroda alone was taken into consideration whereas, his past service for 14 years, 7 months and 20 days with BSNL was not considered. Therefore, he had given a representation and the same was rejected by the 2nd respondent in and by way of the impugned order. The impugned order reads that since Regulation 20 of the Bank of Baroda (Employees') Pension Regulations, 1995 does not apply to the petitioner and therefore, the past service of the petitioner in BSNL could not be considered for the purpose of pension calculation. It is this order which is under challenge in the present writ petition.

4. Mr.R.Ganesan, learned counsel appearing for the petitioner submitted that the impugned order would reflect patent non application of mind as the relevant regulation has not been considered.



W.P.No.11861 of 2013

5. Mr.M.Arun Kumar, the learned counsel appearing on behalf of M/s.Sampathkumar Associates on the other hand supported the impugned order pointing out that as per Regulation 20, the bank can calculate only the service of the petitioner, if he had worked in any other bank and not with BSNL.

6. I have considered the arguments of either side.

7. It is pertinent to note that Regulation 20 does not apply to the petitioner at all and the relevant regulation that applies to the petitioner is Regulation 26. The impugned order has not even referred to Regulation 26 and has confined itself only to Regulation 20. It is also pertinent to note that in a similar circumstance, this court had extended the relief to the employees of Bank of Baroda vide order in **V.Vijayan v. The Chairman and Managing Director, Bank of Baroda, Mumbai** [W.P.No.5898 of 2011, etc. batch dated 31.01.2014].

8. In the light of the above, I am inclined to interfere with the impugned order and the impugned order is quashed accordingly. The matter is remitted to the 2nd respondent to reconsider the issue in the light of the Regulation 26 of



W.P.No.11861 of 2013

Bank of Baroda (Employees') Pension Regulations, 1995, and pass a speaking order within a period of six weeks from today. It is made clear that such order has to be passed by the 2nd respondent after hearing the petitioner. The petitioner being senior citizen, the time limit stipulated above shall strictly be complied with.

In the result, This writ petition is partly allowed as indicated above. No costs. Consequently, connected MP is closed.

07..06..2023

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

To

- 1.The Chairman and Managing Director,
Bank of Baroda, Baroda Corporate Centre,
C-26, G-Block, Bandra Kurla Complex,
Mumbai 400051.
- 2.The General Manager (HRM),
Bank of Baroda, Baroda Corporate Centre,
C-26, G-Block, Bandra Kurla Complex,
Mumbai 400051.
- 3.The Chief Manager (Pension & Gratuity),
HRM Department, Baroda House,
Mandvi, Baroda 390006.



WEB COPY



W.P.No.11861 of 2013

V.LAKSHMINARAYANAN, J.

kmk

W.P.No.11861 of 2013

07..06..2023