IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM:

THE HON'BLE Mrs.JUSTICE **V.BHAVANI SUBBAROYAN**

W.P.No.24615 of 2019

All India Union Bank Pensioneers & Retirees Federation,
(Registered under the Tamil Nadu Societies Act, Regd.No.111 of 2019)
rep. By its General Secretary,
Mr.N.Govindarajulu
163/4, Kutchery Road,
Mylapore, Chennai – 600 004 ... Petitioner

Vs.

1. The Union of India,
   rep. By the Secretary,
   Department of Financial Services
   Ministry of Finance,
   Government of India,
   New Delhi

2. Union Bank of India,
   rep. By its Managing Director & Chief Executive Officer,
   239, Vidhan Bhavan Marg,
   Nariman Point,
   Mumbai – 400 021. ...Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India for an issuance of a Writ of Mandamus directing the respondents to grant the pension to the eligible officers who were compulsorily retired from the services of Union Bank of India.

For Petitioner : Mr. S.Gopinath for
Mr. K.Rajasekaran

For Respondents : Mr.K.Ramanamoorthy
CGPC for R1
Mr.P.Raghunathan for
M/s T.S.Gopalan Co., for R2

O R D E R

This Writ Petition has been filed for issuance of a Writ of Mandamus to direct the respondents to grant pension to the eligible officers, who were compulsorily retired from the services of Union Bank of India.

2. According to the petitioner- federation, they have sent various representation to the respondents to consider the claim of the pension and grant pensionary benefits to the employees, who were ordered to be compulsorily retired, as per Union Bank of India Pension regulations in Regulation No.33. Further, the compulsorily retired officers, on exercising the 2nd option for pension, in terms of Staff Circular No.5690 dated 27.08.2010 were denied the benefit of pension by the Bank without assigning valid reason. The issue of providing pension option to compulsory retired employees reached its finality when the Hon'ble Apex Court dismissed Civil Appeal No.2779 of 2006 filed by United Bank of India Vs. Prasantha Kumar Roy and Ors along with Civil Appeal No.4677 of 2010 of PNB Vs. C.P.Krishnaswamy and others on 30.08.2011, upholding the decision of High Courts and allowed pension option to compulsory retired petitioners therein.

3. It is also the case of the petitioner that Indian Banks' Associaion had signed a settlement with the workmen Union and a joint note with officers organizations on 27.04.2010 to extend 2nd option of pension to those workmen / officers, who

> *"(i) were in service of the Bank prior to 29.09.1995 and continue in service on the date of signing of the above Bi-partite settlement / joint note.*
>
> *(ii) exercise an option in writing within 60 days from the date of the offer, to become a member of the pension fund.*
>
> *(iii) authorize the Trust of Provident fund of the Bank to transfer the Bank's contribution to the Provident Fund along with interest accrued thereon to the credit of the pension fund. In addition, the individual employee / officer has to pay @ 2.8 times of the revised pay for the month of November 2007.*
>
> *(iv) were in the service of the Bank prior to 29.09.1995 and retired after that date and prior to the date of the above mentioned bi-partite settlement / joint note i.e., 27.04.2010.*
>
> *(v) exercise an option in writing within 60 days from the date of the offer, to become a member of the pension fund.*
>
> *(vi) refund within 30 days after expiry of the said period of 60 days, the entire amount of the Bank's contribution to the Provident fund and interest accrued thereon received by the employee / officer on retirement together within the payment over and above the said amount of 56% of the amount.*
>
> *Families of the above mentioned employees / officers subject to the refund of Bank's contribution to the provident fund received by them as mentioned in pointvi) above.*
>
> *2nd option of pension, was, however, not made available*

to the employees / officers who were compulsorily retired by the bank."

Since the same was not adhered to, the petitioner has come up with the present petition.

4. Per contra, Mr.Ragunathan, learned counsel appearing for the 2md respondent / Union Bank of India would submit that a decision was taken by the Union bank and the same was narrated in the Staff Circular No.7116 dated 04.06.2020, which is the second option of pension for Compulsory Retired Employees / Officers (CRS) under Union Bank of India, (Employees') Pension Regulations, 1995. In the said circular, it is clearly stated that for any further clarification or assistance in respect of implementation of the pension option scheme, they can approach the appropriate authorities, namely, (i) Shri Ganpat Patel, Manager (Pension) (ii) Shri Kaiffy Goyal, Manager (Pension) and (iii) Shri Sanjeevkumar Pillamari, Chief Manager by clearly indicating their specific Phone number, email id etc., thereby he submits that the prayer of the petitioner has been considered and pleaded to dismiss the petition.

5. In reply, the learned counsel for the petitioner would point out that the date for approaching the authorities was granted till 02.08.2020 at that juncture, it was a full lockdown period hence the petitioner may not have been able to contact the officials concerned.

6. Considering the facts and circumstances of the present case and the submissions made on behalf of the learned counsel for the 2nd respondent, it is clear that the prayer made by the petitioner in this writ petition has been considered, however, taking note of the submission made by the learned counsel for the petitioner that the Staff Circular No.7116 was issued on 04.06.2020, wherein there was a pandemic situation prevailing in our country at that point of time on account of Covid-19 and the fact that some decision has to be taken to the said persons, who are not aware of these factors / Circular, therefore, in the interest of justice, this Court hereby directs the parties [who have not approached / applied to the authorities earlier], to approach the authorities concerned, not as a blanket application, clearly naratting the facts as to why they have not applied earlier and claimed the benefits at that time, upon those applications being submitted, if the respondents are satisifed, as a one time measure, is directed to consider the case on merits and in accordance with law and thereafter, pass appropriate orders by adhering to the principles of natural justice.

With the above observation, the present Writ Petition is disposed of.

21.12.2023

Index:Yes/No; Internet:Yes/No
Speaking / Nonspeaking order
ssd

To

1. The Union of India,
   rep. By the Secretary,
   Department of Financial Services
   Ministry of Finance, Government of India,
   New Delhi

2. Union Bank of India,
   rep. By its Managing Director & Chief
   Executive Officer,
   239, Vidhan Bhavan Marg,
   Nariman Point,
   Mumbai – 400 021.

V.BHAVANI SUBBAROYAN J.

ssd

W.P.No.24615 of 2019

21.12.2023