



W.P.(MD)No.2001 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 2001 of 2017

T.Ramarathnam

... Petitioner

Vs.

1. The Assistant General Manager,
Canara Bank,
Human Resource Wing,
Industrial Relation Section,
Head Office, 112 J.C. Road,
Bengaluru – 560 002.

2. The Canara Bank (Employees) Pension Fund
H.O.Annexe, Naveen Complex
No. 14 M.G.Road,
Bangalore- 560 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Certiorarified Mandamus*, to call for the records of the 1st respondent Impugned order in No.HRW/IRS/KVP/20/5158/2016, dated 02.12.2016 and quash the same and direct the Respondents to grant the entire benefit of Notional Weightage for four years to the petitioner by considering his representation, dated 15.10.2016 within the period as stipulated by this Court.



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For Petitioner : Mr. A. Haja Mohideen
For Respondents : Mr. K.R. Laxman

ORDER

This writ petition is filed challenging the impugned order, dated 02.06.2016 with a consequential relief to direct the respondents to grant the entire benefit of Notional Weightage for four years to the petitioner, by considering the petitioner's representation, dated 15.10.2016.

2. The petitioner has joined the 1st respondent bank service on 23.03.1981 as Clerk and completed his 20 years of service and he retired from service on 17.03.2001.

3. The petitioner earlier had served as Ex-serviceman for a period of 15 years. The petitioner is having shortage of six days only, for completion of 20 years in order to get Notional Weightage for 4 years. Now, the petitioner is seeking to grant the said 6 days for granting of benefit under Special Voluntary Retirement scheme.



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4. The learned counsel appearing for the respondents relied on the ***Regulation 18 of Canara Bank (Employees') Pension Regulations, 1995***, which states about the broken period of service less than one year. The same is extracted hereunder:

“18. Broken period of service of less than one year:”

If the period of service of an employee includes broken period of service is than one year, then if such broken period is more than six months, it shall be treated as one year and if such broken period is six months or less, it shall be ignored.

Provided that provisions of this regulation shall not apply for determining the minimum service required to make an employee eligible for pension”.

5. The petitioner has relied on the main provision to grant the relief. However, the respondents have declined to grant the same by relying on the proviso and submitted that the eligibility itself cannot be rounded off.

6. On perusing the said regulation and the proviso, it is seen that such regulation is inserted with effect from 13.11.2002 through Circular No.265/2002



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dated 24.12.2002. Admittedly the said proviso has no retrospective effect.

7. In the present case, the petitioner had retired from service on 17.03.2001 and hence the amended proviso is not applicable to the petitioner's case. Therefore, the petitioner is entitled to the benefits as stated in the ***Regulation 18 of Canara Bank (Employees') Pension Regulations, 1995.***

8. Accordingly, the impugned order, dated 02.06.2016 is hereby quashed. The respondents are directed to grant the benefit of Notional Weightage for four years to the petitioner. The benefits shall be granted within a period of 8 weeks, from the date of receipt of a copy of the order.

9. With these observations and directions, this writ petition is disposed of. No Costs.

Index : Yes / No
Internet : Yes
ksa

15.06.2023



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**Order made in
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15.06.2023