

CWP-18123-2023

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2023:PHHC:161148

119

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-18123-2023

Date of Decision:15.12.2023

SATENDER KUMAR

..... Petitioner

Versus

UNION BANK OF INDIA AND ORS.

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Rajesh Punj, Advocate
for the petitioner.

Mr. Akaant Kumar Mittal, Advocate
for the respondents-UOI.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to grant pension to the petitioner as per Union Bank of India (Employees Pension) Regulations 1995 and refund a sum of Rs.2,66,562/- which was deposited by the petitioner in lieu of 3 months' notice. The petitioner is further seeking interest on the delayed payment of Provident Fund, Leave Encashment and Gratuity.

2. The petitioner was appointed as Clerk with the respondent-Bank on 19.12.2006. The petitioner was promoted to the post of Assistant Manager on 09.07.2020. By order dated 24.05.2021, the petitioner was transferred from Kurukshetra Branch to Azamgarh (U.P.). The petitioner, on account of his family problem, was not keen to join at Azamgarh (U.P.) and requested respondents to cancel his transfer. On account of

non-acceptance of his request, the petitioner submitted resignation dated 05.08.2021. The resignation was not accepted. The petitioner on the oral direction of respondent deposited 3 months' salary on 20.05.2022. The salary was deposited in lieu of 3 months' notice, nevertheless, the respondent accepted resignation of the petitioner on 12.09.2022. The petitioner was released Leave Encashment on 29.03.2023, Contribution of Provident Fund on 03.04.2023 and Gratuity on 27.04.2023.

3. Learned counsel for the petitioner on being confronted with Regulation 22 of Union Bank of India (Employees Pension) Regulations, 1995, concedes that he does not press his prayer *qua* pension, however, he prayed for refund of 3 months' salary as well as interest on delayed payment of retiral benefits.

4. Learned counsel for the respondents submits that petitioner in view of Regulation 22 of aforesaid Regulations is not entitled to pension. He concedes that retiral benefits i.e. Leave Encashment, Provident Fund and Gratuity were paid to the petitioner on the aforesaid dates. With respect to refund of 3 months' salary, he submits that the said amount was deposited in lieu of notice, thus, Bank has rightly forfeited the said amount. With respect to other claims i.e. COVID advance and festival advance, he submitted that the Bank has rightly deducted the said amount from the dues of the petitioner.

5. I have heard the arguments of both sides and with the able assistance of learned counsels perused the record.

6. As the petitioner has withdrawn his prayer with respect to pension, this Court is not required to return the findings with respect to pension. The petitioner submitted resignation on 05.08.2021. The

petitioner deposited 3 months’ salary in lieu of notice on 20.05.2022 whereas resignation was accepted on 12.09.2022. As petitioner deposited 3 months’ salary in lieu of notice, the respondent was bound to immediately accept resignation especially when resignation was submitted on 05.08.2021, therefore, the petitioner is entitled to refund of 3 months’ salary which was deposited in lieu of notice. The petitioner is further entitled to interest on delayed payment of retiral benefits. The resignation was accepted on 12.09.2022 and in normal course, the respondent was supposed to clear all the retiral dues of the petitioner within 1 month from the said date. Accordingly, the respondents are directed to pay interest w.e.f 01.11.2022 to the date of payment of retiral benefits @ 6% per annum. With respect to deductions on account of COVID advance and festival advance, the Bank is directed to consider claim of the petitioner at par with other employees.

7. Disposed of in the above terms.

(JAGMOHAN BANSAL)
JUDGE

15.12.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>