

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4808 of 2018

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Savita Srivastava widow of late Ganesh Prasad Srivastava resident of Shiv Janki Sadan, Navtolia Laheriasarai, P.O. P.S. - Bahadurpur, District - Darbhanga.

... .. Petitioner/s

Versus

1. Punjab National Bank Through Its General Manager and Ors
2. General Manager, Punjab National Bank, Personnel Administration Division, 7 Bhikaji Cama Place, New
3. Regional Manager, Punjab National Bank, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ram Hriday Prasad, Adv

For the Respondent/s : Mr.Kumar Priya Ranjan, Adv

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 09-01-2024 Learned counsel for the petitioner, counsel for the State and counsel for the Punjab National Bank are present.

2. Counsel for the petitioner submits that the present writ petition has been filed to declare pad circular no. 236/2014 dated 25.09.2014 be ultra-vires and to set aside to the extent by which the punishment has been ordered to the employee whose death of the employee occurred on or after 05.08.2014.

3. Counsel for the petitioner submits that he has earlier moved before this Court for questioning the policy decision of the Bank dated 25.09.2014 passed in C.W.J.C. No. 15925 of 2016 in which vide order dated 03.01.2008, the said writ petition is disposed of with liberty that the petitioner may



challenge the said scheme in the separate proceeding in duly situated writ petition.

4. Counsel for the petitioner submits that implementation of the policy decision, introduced by resolution dated 25.09.2014 with prospective effect is ultra vires to the constitutional guarantee provided under Article-14 of Constitution of India.

5. Counsel for Punjab National Bank submits that the copy of the scheme has been annexed by the petitioner as Annexure-3 and in the counter affidavit as Annexure-R/F. Counsel submits that as per the interpretation of statute, every scheme has to be implemented with prospective effect unless and until it has not been stated specifically to be implemented retrospectively.

6. Counsel further submits that there is no argument of the petitioner and the said scheme is implemented with different persons differently. Counsel also submits that this policy decision has to be framed not at the level of the particular bank rather the said scheme has been prepared by virtue of the guidelines issued time to time by the Reserve Bank of India and Indian Banking Association which is a common organization for all the Bank employees.



7. Counsel further submits that the respondent bank is not a private bank rather the formation of the said bank took place under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and they are responsible to the law of the land. Counsel further submits that the case of the petitioner is hit by the principle of the res-judicata due to the reasons that he has earlier moved before this Hon'ble Court with the same relief in which vide order dated 03.01.2018 passed in C.W.J.C. No. 15925 of 2016, no order has been passed in favour of the petitioner but disposed off with liberty that if petitioner wants to challenged the scheme, he may challenge in the light of the constitutional provisions only. Conclusively, counsel for respondent submits that the petitioner has no case at all.

8. Upon hearing the parties and going through the documents, the schemes and the constitutional provisions laid down under Article 14 of the Constitution of India which states that:-

“The State shall not deny any person equality before the law or the equal protection of law within territory of India.”

9. This Court is of the view that the respondent's bank comes within the preview of the person as defined under Article 12 of the Constitution of India, therefore, the scheme framed by



the bank may be the subject of constitutionality before law.

10. Upon going through the pleading of the plaintiff, no point has been raised by counsel for petitioner by virtue of which it transpires to this Court that the said scheme is in violation of any of the constitutional provision. It also transpires to this Court that the said scheme has been implemented uniformly upon all persons and for the purpose of its implementation, no discrimination has been made.

11. As such, this Court is of the view that there is no case of the petitioner, and hence, this writ petition is hereby dismissed.

(Dr. Anshuman, J)

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