IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5891 of 2012

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Sujay Kumar Singh Son of Shree Jagdish Singh , Resident of - Shree Krishna Nagar, P.S.-Motihari Town, District- Motihari at present posted as S.W.O. at Punjab National Bank, B.O.- Gavirar, P.S.- Raghunathpur, District-Siwan.

... ... Petitioner/s

Versus

1. Punjab National Bank through the Chairman Cum Managing Director, New Delhi.
2. The Chairman, Board Of Provident Fund / Pension Department Rajendra Place, New Delhi
3. The Sr. Manager Provident Fund / Pension Department Rajendra Place, New Delhi
4. The Zonal Manager, Bihar , Punjab National Bank R.Block, Patna
5. The Manager, Hrd Zonal Office, Bihar, Punjab National Bank, R.Block, Patna
6. The Circle Head, Muzaffarpur Circle, Punjab National Bank Distt- Muzaffarpur
7. The Chief Manager, Muzaffarpur Circle, Punjab National Bank Distt- Muzaffarpur
8. The Manager, H.R.D., Muzaffarpur Circle , Punjab National Bank Distt- Muzaffarpur
9. The Senior Manager PNB B.O. Majhaulia, District - West Champaran.

... ... Respondent/s

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Appearance :

For The Petitioner/S	:	Mr. Vitesh Kumar Singh, Advocate
For The Bank	:	Mr. Kumar Priya Ranjan, Advocate
	:	Mr. Prashant Vedasen, Advocate
		Mr. Subhash Chandra Bose, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT
Date : 15-02-2024

Learned counsel for the petitioner is directed to made the Branch Manager, Majhaulia as respondent no.9 in course of the day.

2. Heard Mr. Vitesh Kumar Singh, learned counsel for the petitioner and Mr. Kumar Priya Ranjan, learned counsel appearing on behalf of the Punjab National Bank.

3. The present writ petition has been filed for

quashing the letter dated 29.11.2005 issued by the respondent no.3 by which the petitioner has been ousted from the pension scheme. In fact, the petitioner has opted for pension scheme as per the Bank circular no. 1520 dated 15.11.1995 and he has submitted his option for the pension on 10.01.1996 which was acted as per the service agreement dated 30.12.1993.

4. Learned counsel for the petitioner submits that bare perusal of the circular no. 1431 dated 27.06.1994 which suggests that an agreement was signed for pension between Indian Bank Association and the Unions of workmen on 29.10.1993. Accordingly the circular dated 01.11.1993 was published and according to the aforesaid circular, the petitioner has again opted for the pension scheme. Thereafter, the Bank has issued a circular no. 1520 dated 15.11.1995 which suggests according to the aforesaid circular the petitioner is entitled for pension scheme.

5. Learned counsel for the petitioner submits that respondent no.4 had issued a letter to the respondent no.7 to send a original pension option letter of the petitioner and pursuant to that the Branch Manager also requested the P.N.B., H.R.D. Department, Muzaffarpur to send the original pension option paper of the petitioner to the zonal office and it appears that the petitioner has signed the option for pension as per the circular

dated 15.11.1995 on 10.01.1996 and accordingly the pension and P.F. Fund of the petitioner has been preferred which suggests that the petitioner has opted for the pension scheme (*Annexure-7).* But, no action has been taken by the concerned respondents then the petitioner has again filed several writ petitions before the authority concerned but no action has been taken and thereafter *Annexure-1* was issued which suggests that the petitioner has not opted for pension scheme whether he opted for P.P.F. Scheme.

6. Learned counsel for the petitioner relies upon the judgment of the Hon'ble High Court of Punjab and Haryana at Chandigarh passed in the case of *Banwari Lal Kararia vs. Punjab National Bank and another* in *C.W.P. No. 13441 of 2008.* Paragraph nos.2, 3 & 7 are quoted hereinbelow;

> *"2. Briefly, in the present case, the petitioner was appointed with the respondent bank as Clerk-cum-cashier on 11.5.1981. He was promoted to J.M.G. Scale-I on 16.9.1986. The petitioner was the member of the General Provident Fund Scheme as prevalent in the respondent bank. In the year 1993, in view of an understanding arrived at between the Management of the bank and the Employees Union by a bilateral agreement dated 29.10.1993, the Pension Scheme was introduced by the bank and was circulated vide Circular No.1431 dated 27.6.1994. In terms of the said Circular, options were invited from the employees. The petitioner vide*

letter dated 30.09.1994, copy of which has been annexed as Annexure P2, opted for the Pension Scheme. The respondent-bank vide Annexure P3 issued another Circular No.1520 Dated 15.11.1995 in terms of Punjab National Bank (Employees) Pension Regulations, 1995, which were framed by the respondent-bank under Clause (f) of Section 19(2) of the Banking Companies (Acquisition & Transfer of Undertakings) Act, 1970, after consultation with the Reserve Bank of lndia and approval of the Central Government. In terms of provisions of Regulation 3 of the said Scheme, again options were invited from the employees for opting the Pension Scheme. In the said letter, it was specifically made clear that those employees who had already exercised their option in pursuance of the earlier Circular, were not required to submit the fresh options. Further, the employees who had exercised pension option pursuant to the earlier Circular in the year 1994, were given liberty to withdraw their pension option. Since the petitioner had already exercised his option vide letter dated 30.9.1994 under the earlier Circular, he did not exercise the fresh option. It is the case of the petitioner that under the Circular dated 15.11.1995, he did not withdraw his option given by him under the earlier Circular dated 27.6.1994.

3. In pursuance of the option given by the petitioner, his Provident Fund Amount of Employer's share was transferred to the Pension Fund. In this regard, the petitioner has annexed letters dated 25.11.1997 *and 22.02.1998 as Annexures P4 and P5. It is also admitted position that since March 1997 to January 2006, the Contributory Fund of the petitioner was deposited in the Pension Fund Trust Account. In the salary slip of the petitioner also, he was always shown as Pension Optee.*

7. In the written statement, the submission of option letter dated 30.9.1994 by the petitioner has not been disputed. In view of the aforesaid facts, now only question which is to be answered is whether the petitioner had withdrawn the option given by him vide letter dated 30.9.1994 in view of the Circular dated 27.6.1994. In the written statement, except the averments made that the petitioner has withdrawn his option in view of the Circular dated 15.11.1995 and that is why his name was reflected in List-II, no material has been placed on record to the effect that the petitioner had ever withdrawn the Pension Option given by him. It is admitted position that after the Pension Option given by the petitioner, his Provident Fund amount of Employer's share was transferred to the Pension Fund Trust Account. This fact is reflecting from letters Annexures P4 and P5. It is also admitted position that since March 1997 to January 2006, the Contributory Fund of the petitioner was deposited in the Pension Fund, Further, in the salary slip of the petitioner also, he was always shown as Pension Optee.”

7. Learned counsel for the Punjab National Bank

outrightly submits that the documents on which the petitioner has relied is not available in the Bank record. So, Bank can not honour the claim of the petitioner.

8. In view of the aforesaid, it appears from the A*nnexure-6 & Annexure-7* of the writ application which suggests that the petitioner has opted for the pension scheme within time period as prescribed in circular dated 27.06.1994. During the pendency of the present writ application, the petitioner retired from the service.

9. In view of the aforesaid, the Bank is directed to issue pension and other retirement benefits of the petitioner in accordance with law within a period of four weeks from the date of the receipt/ production of the copy of this order and also to pay the arrears of the pension within the aforesaid period.

10. Accordingly, this writ application is allowed with the aforesaid direction.

(Rajesh Kumar Verma, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.02.2024
Transmission Date	NA