

17.09.2024

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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 19119 of 2024

**Madhuka Roy
-Vs-
UCO Bank of India & Ors.**

Mr. Debabarata Roy,
Ms. Karabi Roy,
Mr. Bikas Chowdhury,
Mr. Soumik Mondal,
Ms. Sarbani Mukhopadhyay

... for the petitioner

Mr. Sailesh Mishra

... for the UCO Bank

After a detailed hearing, over few days, today it is submitted by the petitioner that the Regulation 40 of the UCO Bank (Employees') Pension Regulation, 1995 stands as an impediment in granting the benefit to the petitioner in view of the 25 years of age cap contained therein. The petitioner says that even the Central Government in the Central Civil Services (Pension) Rules, 1972 by providing an amendment in Rule 54 (14)(ii) has deleted the 25 years cap for an unmarried daughter and has included widow or divorced daughter within the ambit of the said Rules. The Regulation 40 of the UCO Bank (Employees') Pension Regulation, 1995 is, therefor, unconscionable and is required to be challenged. Although in one of the paragraphs in the

writ petition, the petitioner has touched this issue but it has not been elaborately pleaded or a prayer challenging the Regulation 40 of the UCO Bank (Employees') Pension Regulation, 1995 has not been included. The petitioner, therefore, prays for withdrawing the instant writ petition with a liberty to file a fresh on the self-same cause of action by challenging the Regulation 40 of the UCO Bank (Employees') Pension Regulation, 1995 in the perspective of the Central Civil Services (Pension) Rules, 1972 as stated hereinabove.

In view of such prayer, the writ petition is dismissed as withdrawn with liberty to the petitioner to file a fresh in the light of the discussion as aforesaid provided the petitioner is otherwise entitled in law to file such petition.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)