



W.P.No.27835 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.27835 of 2011

P.Vivekanandan

...Petitioner

Vs.

1. Union Bank of India,
General Manager, Zonal Officer,
Broadway, Chennai-104.
2. The Chief Manager (P),
Department of Personnel,
Union Bank of India,
Central Office,
Mumbai – 400 021.
3. Indian Banks Association,
WTC Building, VIth Floor,
Centre-1 Building, Cuffee Parade,
Mumbai – 400 005.
4. Ministry of Finance,
Department of Financial Services,
Room No.32, Jeevan Deep Building,
Sansad Marg, New Delhi – 110 011.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of



W.P.No.27835 of 2011

India to issue a Writ of Certiorarified Mandamus to call for the records relating to the letter of denial of Pension in DP:Pension:221:11 dated 27.04.2011 issued by the 2nd Respondent and quash the same and direct the 2nd Respondent to accept the Writ Petitioner's option for pension dated 25.10.2010.

For Petitioner : Mr.S.Gopinath
for Mr.M.R.Gokul Krishna
For Respondents : Mr.T.S.Gopal, for R1 to R3
: Mr.J.Madana Gopal Rao, for R4

ORDER

The Writ Petition has been filed seeking quashment of the letter of denial of Pension in DP:Pension:221:11 dated 27.04.2011 issued by the 2nd respondent and to consequently direct the 2nd respondent to accept the petitioner's option for pension dated 25.10.2010.

2. When the matter was taken up today, the learned counsel for the petitioner submitted that, there was a Bipartite discussions held between the United Forum of Bank Unions and Indian Banks Association on 09.11.2023 and a Memorandum of Understanding was signed on 09.11.2023 and this understanding will come into effect only if it is approved by the concerned Ministry of Government of India. Some of the understanding signed sofar as the employees who had resigned are as



W.P.No.27835 of 2011

follows:-

WEB COPY

“2. Whereas one more option to join the pension scheme was given to the employees and officer by Bi-partite Settlement/Joint Note dated 27.04.2010, which also provided that the employees and officers who had ceased to be in bank's service on account of Voluntary Retirement would be covered and eligible for such option to join the pension scheme, and

3. Whereas representations have been received from some former employees and former officers that even though they were otherwise eligible, but were not offered second option to join the pension scheme as they had resigned from the service of the bank, at the relevant time as envisaged in the settlement dated 27.04.2010.

4. Whereas though the Pension Regulations framed in 1995/1996 do not provide for pension to those employees and officers who have resigned from the services of the banks, purely from a humanitarian perspective the management of the banks have taken a sympathetic and lenient view of the representations made by the former employees and former officers referred in point number 3 above, and after discussions between IBA and United Forum of Bank Unions, a board consensus has been arrived at, which the parties have decided to record as under:- ”

2.1 In the light of the understanding reached, the learned counsel



W.P.No.27835 of 2011

WEB COPY

for the petitioner seeks permission of this Court to withdraw this Writ petition with a liberty to work out his remedy, in case, if this understanding is approved by the concerned Ministry of Government of India.

3. Learned counsel appearing for the respondents reported no instruction on this understanding.

4. In view of the above submission made by the learned counsel for the petitioner, this Writ petition is dismissed as withdrawn, giving liberty to the petitioner to workout his remedy, on the basis of the Bipartite agreement reached between the United Forum of Bank Unions and Indian Banks Association, on its approval by the concerned Ministry of Government of India. No costs.

26.02.2024

skt

NCC : Yes/No

Index : Yes/No

Speaking order/Non-speaking order



W.P.No.27835 of 2011

To
WEB COPY

1. Union Bank of India,
General Manager, Zonal Officer,
Broadway, Chennai-104.
2. The Chief Manager (P),
Department of Personnel,
Union Bank of India,
Central Office,
Mumbai – 400 021.
3. Indian Banks Association,
WTC Building, VIth Floor,
Centre-1 Building, Cuffee Parade,
Mumbai – 400 005.
4. Ministry of Finance,
Department of Financial Services,
Room No.32, Jeevan Deep Building,
Sansad Marg, New Delhi – 110 011.



WEB COPY



W.P.No.27835 of 2011

G.CHANDRASEKHARAN, J.

skt

W.P.No.27835 of 2011

26.02.2024