



W.P.(MD) No.14437 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.14437 of 2020

Amutha

... Petitioner

Vs.

1.UCO Bank
Corporate Head Office
10, B.T.M.Sarani
Kolkata-700 001, West Bengal

2.The Assistant General Manager
Personnel Services
Staff pension cell
Personnel Services Department
3-4, DD Block, Sector-1
Salt Lake City,
Kolkatta-700 064

3.The Zonal Manager
UCO Bank, Zonal office
No.328, Thambu Chetty Street
Chennai-01

4.The Branch Manager
UCO Bank, Thanjavur Branch



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Medical College road
Thanjavur

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration declaring the regulation 22 of UCO Bank (Employees) Pension regulations 1995 deals with forfeiture of Service states that resignation or dismissal or removal or termination of an employee from the service of the bank shall entail forfeiture of his entire past service and shall not qualify for pensionary benefits as null and void and consequently declare the records relates to the petitioners husband issued by the 1st respondent vide Communication dated 19/02/2016 Letter ref.No. HO/PSD/PEN/2015-16/179 as illegal and consequently direct the respondents to sanction the pension and gratuity benefits of the petitioners husband to the petitioner.

For Petitioner : Mr.A.V.Raja

For Respondents : Mr.T.Govindasamy



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ORDER

This Writ Petition is filed seeking to issue a Writ of Declaration declaring the regulation 22 of UCO Bank (Employees) Pension regulations 1995 deals with forfeiture of Service states that resignation or dismissal or removal or termination of an employee from the service of the bank shall entail forfeiture of his entire past service and shall not qualify for pensionary benefits as null and void and consequently declare the records relates to the petitioners husband issued by the 1st respondent vide Communication dated 19/02/2016 Letter ref.No. HO/PSD/PEN/2015-16/179 as illegal and consequently direct the respondents to sanction the pension and gratuity benefits of the petitioners husband to the petitioner.

2. The petitioner herein is the widow of one G.Ilango who worked as Manager, Tanjore branch of UCO Bank. The husband of the petitioner, while he was in service subjected to disciplinary proceedings which culminated into passing a final order of dismissal from service through proceedings dated 31.03.2009. The appeal and revision there against were



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also dismissed by orders dated 14.10.2009 and 12.02.2010 respectively by Appellate and Revisional authorities and thereafter the petitioner's husband died on 02.02.2015. Thereafter, the petitioner approached the respondents bank for grant of family pension by submitting a representation dated 01.02.2016 and the said claim was negated by the respondents bank by issuing the proceedings Ref.No.HO/PSD/PEN/2015-16/179 dated 19.02.2016. Aggrieved by the said rejection order, the petitioner has approached this Court by filing the present Writ Petition challenging the vires of Regulation 22 of UCO Bank (Employees') Pension Regulations, 1995 and the rejection order dated 19.02.2016.

3. Learned counsel for the petitioner after having made sincere unsuccessful attempt to persuade this court to declare the Regulation 22 of UCO Bank (Employees') Pension Regulations, 1995 as illegal and arbitrary has brought to the notice of this Court, Regulation 31 of the same regulations which provides for grant of compassionate allowance in cases of dismissal, removal or termination of the employee of the bank under certain circumstances. Regulation 31 of UCO Bank (Employees') Pension



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Regulations, 1995 reads as under:

“ 31. Compassionate Allowance.(1) An employee, who is dismissed or removed or terminated from service, shall forfeit his pension;

Provided that the authority higher than the authority competent to dismiss or remove or terminate his from service may, if-

(i) such dismissal, removal, or termination is on or after the 1st day of November, 1993; and

(ii) the case is deserving of special consideration, sanction a compassionate allowance not exceeding two-third of the pension which would have been admissible to him on the basis of the qualifying service rendered up to the date of his dismissal, removal or termination.

(2) The Compassionate Allowance sanctioned under the proviso to Sub-regulation (1) shall not be less than the amount of minimum pension payable under regulation 36 of these regulations.”

4. From the above, it is evident that even if an employee of the bank is dismissed, removed or terminated from service on whatever be the ground, the authority higher than the authority competent to dismiss or



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remove an employee from service has got discretionary power to sanction compassionate allowance in deserving cases, in case the dismissal or removal or termination is on or after first day of November 1993, subject to certain limit prescribed there under.

5. From the perusal of the order of dismissal passed against the husband of the petitioner and the order passed in the Appeal and revision, there is nothing to indicate that the case of the husband of the petitioner was considered under Regulation 31 of UCO Bank (Employees') Pension Regulations, 1995.

6. In the said circumstances, considering the request made by the learned counsel for the petitioner for consideration of the case of the petitioner under Regulation 31 of UCO Bank (Employees') Pension Regulations, 1995, the Writ Petition is disposed of permitting the petitioner to submit a representation claiming compassionate allowance under Regulation 31 of UCO Bank (Employees') Pension Regulations, 1995, within a period of four weeks from the date of receipt of a copy of this order. If such



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representation is submitted by the petitioner, the 2nd respondent shall consider the said representation and pass appropriate orders in accordance with law within a period of two months from the date of submission of the representation by the petitioner. There shall be no order as to costs.

20.02.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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