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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of decision: 9th September, 2024***

\+ LPA 448/2023 and CM APPL. 26690/2023, CM APPL.26692/2023

PUNJAB NATIONAL BANK & ORS. .....Appellants

Through: Mr. Rajesh Kumar Gautam, Mr.Anant Gautam, Mr. Dinesh Sharma, Mr. Kushagra Sahay and Ms. Likhi, Advocates.

versus

SC SAPRA & ORS. .....Respondents

Through: Mr. Mohit Chaudhary, Mr. Kunal Sachdeva, Mr. S. Sen and Ms.Vaishali Shukla, Advocates.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MR. JUSTICE GIRISH KATHPALIA

J U D G M E N T ***(oral)***

1. The present letters patent appeal under Clause 10 of the Letters Patent Act has been preferred by the appellants against the impugned judgment and order dated 02.02.2023 passed by learned Single Bench of this Court in W.P.(C) 2143/2012 whereby appellants have been directed to pay full pension to the respondent No.1.

2. The said respondent No.1 had preferred W.P.(C) 2143/2012 whereby sought quashing of the Enquiry Officer's Report dated 01.10.2010, Punishment Order dated 20.10.2010, order dated 11.02.2011 passed by the

Appellate Authority dismissing his appeal and order dated 30.09.2011 passed by the Reviewing Authority dismissing the departmental review preferred by him.

3. The respondent No.1 had pleaded that 1/3rd pension was being deducted and only 2/3rd pension was released which is in violation of circular issued by the appellants herein.

4. Learned Single Bench in view of the fact that the disciplinary authority while giving the punishment of compulsory retirement to the respondent No.1 did not make any reference for any deduction from this pension, held that the respondent No.1's case was covered by Circular dated 20.05.2014 issued by the Punjab National Bank/appellant No.1 which stipulates that *"ordinarily full pension be allowed to the employee in case no reference regarding reduction in the terminal dues by disciplinary authority in the final order is made."*

5. Accordingly, the learned Single Bench held that the respondent No.1 shall be entitled to complete pension and directed the appellants to pay the arrears of deducted pension to the respondent No.1.

6. The challenge to the aforesaid order passed by the learned Single Bench is on the ground that the Circular dated 20.05.2014 was applicable in relation to the payment of gratuity and not pension.

7. During the course of hearing, learned counsel for appellants submitted that no challenge was made in terms of provisions contained in Regulation 33 of PNB Employees Pension Regulation, 1995.

8. It was brought to the notice of this Court that the allegations levelled against the respondent No.1 were of demand and acceptance of illegal gratification of Rs.6,000/- on 15.06.2009 from Mr. Sanjay Nanda, nominee

of Late Sh. S.N. Nanda, a Pensioner, who expired on 07.10.2007 for crediting the arrears of increased pension in the Saving Fund Account No.04150003000152078 Hence, in the said facts and circumstances, the competent authority was justified in granting only 2/3rd pension and not full pension to the respondent herein.

9. The submissions advanced by learned counsel for appellants are opposed by learned counsel for respondents by submitting that the impugned order does not call for any interference by this Court.

10. Having perused the impugned order and the other material placed on record, this Court finds that when the impugned order was passed, the learned counsel for respondents had submitted before the learned Single Bench that if respondent No.1 is granted complete pension, he will not press other reliefs sought in the said petition. Learned counsel for the appellants also had agreed thereto. But, now he disputes the same.

11. Learned Single Bench also observed that the Disciplinary Authority, vide order dated 20.10.2010, had imposed punishment of compulsory retirement upon the respondent No.1 but had made no reference in respect of any deduction from his pension and thus, his case was covered under Circular dated 20.05.2014.

12. Also, the learned counsel appearing on behalf of appellants, had not disputed the Circular dated 20.05.2014 when the order impugned was passed in Court. Thus, the order impugned is in fact a consent order.

13. Finding no ground in the present appeal, the stay granted vide interim order dated 24.05.2023 is vacated and the present appeal is dismissed. However, liberty is granted to the appellants to file review before the learned Single Judge, within two weeks. Pending application(s) stand disposed of as

infructuous.

SURESH KUMAR KAIT, J

GIRISH KATHPALIA, J

SEPTEMBER 9, 2024/Uk/rk/r