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

+ **W.P.(C) 12384/2024 & CM APPL. APPL. 51540/2024**

**ALL INDIA RETIRED BANK EMPLOYEES
ASSOCIATION**

.....Petitioner

Through: Mr. Neeraj Malhotra, Mr. Shekhar G. Devasa, Senior Advocates with Mr. Ashutosh Dubey, Mr. Manish Tiwari and Ms. Thashmitha K.M. & Mr. Nimish Kumar, Advocates.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Ms. Anushkaa Arora, Senior Panel Counsel with Mr. Sarvesh Srivastava, Advocates for R-1/UOI.

Mr. Rajesh Kumar Gautam, Mr. Anant Gautam, Ms. Likim K Jakhalu, Mr. Dinesh Sharma and Mr. Kushagra Niles, Advocates for R-3/ Punjab And Sind Bank and R-4/Punjab National Bank.

Mr. O.P. Gaggar and Mr. Sachindra Karn, Advocates for R-7/Andhra Bank, R15/Corporation Bank and R-20/Union Bank of India.

Mr. Rajiv Kapur, Standing Counsel with Mr. Akshit Kapur, Advocate for R-17/State Bank of India.

Mr. S. R. Sharma, Advocate for R-12/Indian Bank and R-6/Allahabad Bank.

**CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH**

**ORDER
17.09.2024**

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1. This writ petition has been preferred on behalf of the Petitioner Association under Article 226 of the Constitution of India seeking the following reliefs:-



“a) Issue an appropriate order(s) or direction(s) or writ in the nature Writ of Mandamus and any other appropriate order or direction thereby directing the Respondents to implement the Judgement dated 13.2.2018 passed by the Hon'ble Supreme Court in the Civil Appeal No. 5525/2012, Civil Appeal Nos. 6254/2012 and other connected matters including Civil Appeal No.1919/2018 and pay the members of the Petitioner who were employed with the Respondent Banks their due and payable amount under the Regulations, 1995 and in terms of the Order of the Hon'ble Court as indicated in paragraph 26 of the present Writ Petition;

b) Allow this petition by issuing a writ of prohibition or any other appropriate writ, order or direction thereby restraining the Respondent Banks from initiating recovery proceedings against the members of the Petitioner by misinterpreting the Order of the Court dated 13.2.2018 and Regulations, 1995 and to order payment of the differential amount of Commutation as ordered by Hon'ble Supreme Court in para 6 of the orders dated 28.08.2019 in CCC 209 311 of 2019;

c) Issue appropriate Order or direction in appointing the Court Commissioner for implementation and proper calculation of pension amount of the individual Employees of the respective Respondent Banks during the pendency of the Writ Petition and to save the precious time of the Court as well as for full compliance of the Order of the Apex Court dated 13.2.2018 and 1.3.2024 respectively;

d) Ad-interim orders in terms of prayer (b)

e) Costs;”

2. Broadly understood, Petitioner seeks a direction to the Respondents to implement the judgment dated 13.02.2018 passed by the Supreme Court in Civil Appeal No. 5525/2012 and other connected appeals and pay to the members of the Petitioner Association their outstanding dues payable under Bank (Employees) Pension Regulations, 1995 ('1995 Regulations').

3. Mr. Neeraj Malhotra, learned senior counsel appearing for the Petitioner submits that this writ petition has been filed espousing the cause of employees who retired from service during 01.04.1998 to 31.10.2002 and seeking implementation of the judgment dated 13.02.2018 passed by the Supreme Court whereby the Supreme Court has held members of Petitioner



Association entitled to various benefits such as computation of basic pension in terms of Regulations 2(s)/29 of 1995 Regulations, computation of Dearness Allowance, all pensionary benefits etc. along with interest of 9% per annum. It is submitted that withholding of the benefits, despite the judgment of Supreme Court is unjustified. It is urged that Petitioner had filed a Contempt Petition before the Supreme Court vide diary No.13216/2020 on account of alleged wilful disobedience and non-compliance of the judgment and by order dated 01.03.2024, the Contempt Petition was disposed of giving liberty to the Petitioner Association to approach the concerned authorities or invoke appropriate proceedings in accordance with law in case of a grievance with regard to non-implementation or improper implementation of the judgment dated 13.02.2018 and pursuant to the said liberty, Petitioner has approached this Court seeking implementation of the directions issued by the Supreme Court.

4. Learned counsels appearing for respective Banks refute the submission of Mr. Malhotra, that judgment of the Supreme Court has not been implemented or that there is improper implementation and submit, on instructions, that all outstanding dues of the members of the Association have been released. This position adopted by the counsels for the Banks is strenuously disputed by Mr. Malhotra, who submits that there are pending dues and which must be paid without any delay as the members of the Petitioner Association are all senior citizens between 75 to 85 years of age.

5. Having heard learned Senior counsel for the Petitioner and counsels for the Respondents, in my view, the issue before this Court is in a narrow compass. While Petitioner claims that there is non-implementation/improper



implementation of the judgment of the Supreme Court dated 13.02.2018, Banks contend to the contrary. From the judgment of the Supreme Court, it is clear that the issue for consideration before the Supreme Court was with respect to computation of basic pension etc. with respect to employees who retired or died while in service on or after 01.04.1998 and before 31.10.2002. Broadly understood, the dispute between the parties is essentially one of calculations. It would thus be appropriate at this stage to dispose of this writ petition permitting the Petitioner Association to make a comprehensive representation to the respective Banks on behalf of members who had retired or died while in service on or after 01.04.1998 and before 31.10.2002, bringing forth the grievance with regard to non-implementation/improper implementation of the judgment of the Supreme Court. As and when the representation(s) are received by the respective Banks, the same shall be considered and decided in light of the directions issued by the Supreme Court within a period of six weeks from the date of receipt of the representation(s). Needless to state that reasoned and speaking order(s) shall be passed by the concerned Banks and communicated to the representationist(s) along with calculations in support of the order. It would be open to the Association/individual member to take recourse to legal remedies in case of any surviving grievance.

6. At this stage, Mr. Malhotra, also contends that Respondent Banks have paid the commutation amount incorrectly by misinterpreting the judgment of the Supreme Court and have also recovered the commutation amount for a period of 15 years from the date of retirement and are erroneously recovering the amounts by adopting an incorrect method of calculation. Mr. Gautam, appearing for Respondents No.3 and 4 *per contra*



disputes this position. It is left open to the Petitioner to raise this issue also in the representation(s) and needless to state that the Respondent Banks shall consider the same and pass order(s) accordingly.

7. Writ petition stands disposed of along with pending application, making it clear that this Court has not expressed any opinion on the merits of the case.

JYOTI SINGH, J

SEPTEMBER 17, 2024/Ch/DU