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

\+ W.P.(C) 13723/2024

SURESH KUMAR TUTEJA .....Petitioner

Through: Mr. Manit Moorjani, Mr. Rohit Kumar Ray and Mr. Madhav Pooviah, Advocates.

versus

BANK OF BARODA (MAYUR VIHAR PHASE III BRANCH) & ANR. .....Respondents

Through: Mr. Arun Agarwal, Mr. Shivam Saini, Mr. Praful Rawat and Ms. Tanya Setia, Advocates.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

O R D E R

% **30.09.2024**

CM APPL. 57446/2024

1. Allowed, subject to all just exceptions.

2. Application stands disposed of.

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

> *"A. Issue a writ of mandamus or any other writ, order or direction thereby directing the Respondent No. 1 branch of the Respondent no. 2 Bank - Mayur Vihar Phase III Branch - to access the service records, service book and service documents relating to the Petitioner, and thereby inform, provide and hand-over the duly counter-signed, stamped, verified and recommended copies thereof to the Respondent No. 2 Bank of Baroda (Staff Pension and Gratuity - Head Office, Baroda) as may be necessary for fulfilment of the requirements of the circular dated 28.5.2024 (Annexure P-7).*
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> *B. Issue a writ of mandamus or any other writ, order or direction thereby directing the Respondent No. 2 Bank of Baroda to thereafter proceed with and process the 'Option for Pension' application of the Petitioner in view of the '12th Bipartite Settlement', the '9th Joint Note', and the Circular*

No. HO:BR:116/128 dated 28.05.2024 issued by Respondent Bank, and to consider the application of the Petitioner towards 'Option for Pension' as having been made on date when the application was originally made, being 01.07.2024, and directing that the pension benefits be granted to the Petitioner accordingly.

C. Issue a writ of mandamus or any other writ, order or direction thereby permitting the Petitioner to deposit and directing the Respondent No. 2 Bank to accept the payment of Provident Fund Contribution along with interest accrued thereon, and directing the Respondent No. 2 Bank to provide the details of the account in which the said payment should be made by the Petitioner, and further directing the Respondent No. 2 Bank to consider the application and payment thereto as being made by the Petitioner within the time period so granted in the above Circular, and directing that the pension benefits be granted to the Petitioner accordingly."

4. Learned counsel appearing on behalf of the Petitioner submits that Petitioner would be satisfied if the salary and the Provident Fund's statements which are in custody of Bank of Baroda, Mayur Vihar Branch are provided to him so that the same be furnished to the said Bank to process his claims, as all the remaining documents/requisite information including the date of joining in different branches of Bank have already been provided to Respondent No. 1.

5. Petitioner is stated to have joined Bank of Baroda ('Bank') on 14.01.1978 and from 14.07.1978, provident fund deductions and contributions were being made. In 1995, Bank of Baroda framed the Bank of Baroda Pension Regulations, 1995. Petitioner resigned from the service of the Bank and was relieved on resignation on 28.09.2006 but did not opt under the pension scheme when option was offered.

6. It is the case of the Petitioner on 27.04.2010, a settlement/joint note was entered into between Indian Bank's Association (IBA) and the Association of Employees and Officers extending pension option to those

employees who had died or retired *albeit* not to those who had resigned. In 2011, W.P. (C) No. 7413/2011 was filed before this Court by Resigned Bank Employees' Welfare Association seeking their inclusion in the pension scheme. Memorandum of Understanding was issued between IBA and Association of Employees and Officers including Officers who had resigned in the pension scheme and the writ petition was withdrawn. 12th Bipartite Settlement was entered and formally option was extended to the employees who had resigned to opt under the pension scheme and 9th joint note was released in March, 2024. Bank issued a Circular on 28.05.2024 extending the option of pension and Petitioner requested the Bank on 27.06.2024 to provide provident fund's statement for the period 2005-2006 and 2006-2007. He also requested for some other documents such as the salary statements etc. which he was called upon to furnish but were in the custody of the Bank. After much correspondence when the requisite documents were not supplied to the Petitioner, he filed the present writ petition. As noted above, Petitioner seeks a limited relief that the salary/PF statements be provided to him for the relevant period.

7. Issue notice.

8. Mr. Arun Agarwal, learned counsel accepts notice on behalf of the Respondents and submits that whatever documents are in the custody and possession of the Bank to the extent they are required by the Petitioner for opting under the pension scheme extended to employees who had resigned from the Bank including salary/PF statements shall be furnished to the Petitioner within four weeks from today.

9. This petition is disposed of directing the Bank to furnish all necessary documents required by the Petitioner to opt under the pension scheme that

are in its possession and custody including salary/PF statements. As soon as the documents are made available to the Petitioner and he furnishes them to the Respondents, his case will be processed for payment of pension as expeditiously as possible. Needless to state that if any other/further deficiency is found by the Bank, the same shall be intimated to the Petitioner who will comply with the same so as to expedite the process.

JYOTI SINGH, J

SEPTEMBER 30, 2024/shivam/YA