

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.227 of 2021

In
Civil Writ Jurisdiction Case No.24354 of 2019

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Ram Vilas Ram Son of Late Dhora Ram, Resident of Village - Sahila Rampur,
P.S. - Hathauri, Muzaffarpur, District - Muzaffarpur, 842001 (Bihar).

... .. Appellant/s

Versus

The Chairman, Uttar Bihar Gramin Bank Having its head office at Kalambagh
Chowk, Muzaffarpur - 842001.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 13428 of 2019

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Ashok Kumar Singh S/o Late Parmeshwar Singh Resident of Sri Krishna
Niwas, Bandhan Tola Arrah, Ara, P.S.- Nawada (Ara), Dist- Bhojpur, Bihar-
802301.

... .. Petitioner/s

Versus

1. Union of India through its Secretary, Ministry of Finance, Department of Financial Service, RRB Section, Banking Division, Jeevan Deep Building, 3rd Floor, Parliament Street, New Delhi- 110001.
2. National Bank for Agriculture and Rural Development (NABARD) through its Chief General Manager having its Head Office At- Plot C- 24, G Block, Bandra Kurla Complex, BKC Road, Bandra East, Mumbai, Maharashtra 400051.
3. Punjab National Bank (PNB) through its CMD having its Head Office at Plot No.- 4, Sector 10, Dwarka New Delhi- 110075.
4. Dakshin Bihar Gramin Bank through its Chairman having its office at Shri Vishnu Commercial Complex, NH- 30 New Bypass Near BP Highway Services Petrol Pump, Asochak, Patna- 800016.
5. Board of Directors Dakshin Bihar Gramin Bank through its Chairman having its office at Shri Vishnu Commercial Complex, NH- 30 New Bypass Near BP Highway Services Petrol Pump, Asochak, Patna- 800016.
6. The Chairman, Dakshin Bihar Gramin Bank (DBGB) having its office at Shri Vishnu Commercial Complex, NH- 30 New Bypass Near BP Highway Services Petrol Pump, Asochak, Patna- 800016.
7. The General Manager (HRD/Pension) Dakshin Bihar Gramin Bank having its office at- Shri Vishnu Commercial Complex, NH- 30 New Bypass Near BP Highway Services Petrol Pump, Asochak, Patna- 800016.
8. Chief Manager Pension Cell Dakshin Bihar Gramin Bank having its office at Shri Vishnu Commercial Complex, NH- 30 New Bypass Near BP Highway Services Petrol Pump, Asochak, Patna- 800016.



... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 13429 of 2019

Braj Bhushan Singh @ Brijbhushan Singh S/o Late Ramji Singh, Resident of New Diliyan, P.S.- Dehri, Dist.- Rohtas, Bihar- 821307.

... .. Petitioner/s

Versus

1. Union of India Through its secretary Ministry of Finance, Department of FINANCIAL SERVICE, RRB SECTION, BANKING DIVISION, Jeevan Deep Building, 3rd Floor, Parliament Stree, New Delhi- 110001.
2. National Bank for Agriculture and Rural Development (NABARD) Through its CHIEF GENERAL MANAGER HAVING ITS HEAD OFFICE AT -Plot C- 24, G Block, Bandra Kurla Complex, BKC Road, Bandra East, Mumbai, Maharashtra 400051.
3. Punjab National Bank (PNB) Through its CMD HAVING ITS HEAD OFFICE AT PLOT NO.- 14, SECTOR 10, DWARKA NEW DELHI- 110075.
4. Dakshin Bihar Gramin Bank Through its Chairman having its office at Shri Vishnu Commercial Complex, NH- 30 New Bypass near BP Highway Services Petrol Pump, Asochak, Patna- 800016.
5. Board of Directors Dakshin Bihar Gramin Bank Through its Chairman having its office at Shri Vishnu commercial Complex, NH- 30 New Bypass Near BP Highway Services Petrol Pump, Asochak, Patna- 800016.
6. The Chairman Dakshin Bihar Gramin Bank (DBGB) having its office At- Shri Vishnu Commercial Complex, NH- 30 new Bypass near BP Highway Services Petorl Pump, Asochak, Patna- 800016.
7. The General Manager (HRD/Pension) Kakshin Bihar Gramin Bank having its office At- Shri Vishnu Commercial Complex, NH- 30 New Bypass Near BP Highway Services Petrol Pump, Asochak, Patna.- 800016.
8. Chief Manager Pension Cell Dakshin Bihar Gramin Bank having its office At- Shri Vishnu Commercial Complex, NH- 30 New Bypass Near BP Highway Services Petrol Pump, Asochak, Patna.- 800016.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 13870 of 2019

Shyam Bihari Singh, S/o Late Suraj Nath Singh, Resident of Ward No.- 42, Bank Colony, Vishnu Nagar Arrah, Bhojpur, Anaith, Bihar P.S.- Nawada (Ara), Dist- Bhojpur, Bihar- 802301.

... .. Petitioner/s

Versus



1. Union of India through its Secretary Ministry of Finance, Department of Financial Service, RRB SECTION, BANKING DIVISION, Jeevan Deep Building, 3rd Floor, Parliament Street, New Delhi- 110001.
2. National Bank for Agriculture and Rural Development (NABARD) through its CHIEF GENERAL MANAGER HAVING ITS HEAD OFFICE AT- Plot C- 24, G Block, Bandra Kurla Complex, BKC Road, Bandra East, Mumbai, Maharashtra 400051.
3. Punjab National Bank (PNB) through its CMD HAVING ITS HEAD OFFICE AT PLOT NO.- 4, SECTOR 10, DWARKA NEW DELHI- 110075.
4. DAKSHIN BIHAR GRAMIN BANK THROUGH ITS CHAIRMAN HAVING ITS OFFICE AT SHRI VISHNU COMMERCIAL COMPLEX, NH- 30 NEW BYPASS NEAR BP HIGHWAY SERVICES PETROL PUMP, ASOCHAK, PATNA- 800016
5. BOARD OF DIRECTORS DAKSHIN BIHAR GRAMIN BANK THROUGH ITS CHAIRMAN HAVING ITS OFFICE AT SHRI VISHNU COMMERCIAL COMPLEX, NH- 30 NEW BYPASS NEAR BP HIGHWAY SERVICES PETROL PUMP, ASOCHAK, PATNA- 800016.
6. The Chairman DAKSHIN BIHAR GRAMIN BANK (DBGB) having its office At- SHRI VISHNU COMMERCIAL COMPLEX, NH- 30 NEW BYPASS NEAR BP HIGHWAY SERVICES PETROL PUMP, ASOCHAK, PATNA- 800016
7. The General Manager (HRD/Pension) Dakshin Bihar Gramin Bank having its office AT- SHRI VISHNU COMMERCIAL COMPLEX, NH- 30 NEW BYPASS NEAR BP HIGHWAY SERVICES PETROL PUMP, ASOCHAK, PATNA- 800016
8. Chief Manager Pension Cell Dakshin Bihar Gramin Bank having its office AT SHRI VISHNU COMMERCIAL COMPLEX, NH- 30 NEW BYPASS NEAR BP HIGHWAY SERVICES PETROL PUMP, ASOCHAK, PATNA- 800016.
9. Senior Manager HRDD Dakshin Bihar Gramin Bank having its office AT SHRI VISHNU COMMERCIAL COMPLEX, NH- 30 NEW BYPASS NEAR BP HIGHWAY SERVICES PETROL PUMP, ASOCHAK, PATNA- 800016.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 13888 of 2019

Chandra Bhushan Singh Son of late Bindeshwari Prasad Sinha, Resident of 809A/1051/37, Satsang Marg, Near Dr. B. Bhattacharya, Patel Nager, Patna, L. B.S. Nagar Patna, P.S. Shastri Nagar, Distt. Patna, Bihar- 821115

... .. Petitioner/s

Versus

1. Union of India through its Secretary Ministry of Finance Department of Financial Service, RRB, Section, Banking Division, Jeevan Deep Building, 3rdn Floor, Parliament Street, New Delhi- 110001



2. Natioonal Bank for Agriculture and Rural Development (NABARD) through its Chief General Manager Having its Head Office, At- Plot C- 24, G Block, Bandra Kurla Complex, BKC Road, Bandra East, Mumbai Maharashtra 400051
3. Punjab National Bank(PNB) through its CMD Having its Head office at Plot No. 4, Sector 10, Dwarka New Delhi- 110075
4. Dakshin Bihar Gramin Bank through its Chairman Having its Office at Shrif Vishnu Commercial Complex, NH- 30 New Bypass Near BP Highway Services Petrol Pump, Asochak, Patna- 800016
5. Board of Directors Dakshin Bihar Gramin Bank, through its Chairman Having its Office at Shri Vishu Commercial Complexd, NH-30 New Bypass Near BP Highway Services Petrol Pump, Asochak, Patna- 800016
6. The Chairman Dakshin Bihar Gramin Bank, (DBGB) having its Office at Shri Vishu Commercial Complexd, NH-30 New Bypass Near BP Highway Services Petrol Pump, Asochak, Patna- 800016
7. The General Manager(HRD/Pension) Dakshin Bihar Gramin Bank having its Office at Shri Vishu Commercial Complexd, NH-30 New Bypass Near BP Highway Services Petrol Pump, Asochak, Patna- 800016
8. Chief Manager Pension Cell Dakshin Bihar Gramin Bank having its Office at Shri Vishu Commercial Complexd, NH-30 New Bypass Near BP Highway Services Petrol Pump, Asochak, Patna- 800016

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 13933 of 2019

Urmila Devi W/o Late Umesh Kumar Ojha Resident of Purab Tola Munshi Gharana Nimej, Buxar, Nimej, PS- Brahmpur, Dist- Buxar, Bihar- 802130.

... .. Petitioner/s

Versus

1. Union of India through its Secretary, Ministry of Finance, Department of Financial Service, RRB Section, Banking Division, Jeevan Deep Building, 3rd Floor, Parliament Street, New Delhi
2. National Bank for Agriculture and Rural Development (NABARD) through its Chief General Manager having its Head Office At- Plot C-24, G. Block, Bandra Kurla Complex, BKC Road, bandra East, Mumbai, Maharashtra-400051
3. Punjab National Bank (PNB) through its CMD having its Head Office at Plot No. 4, Sector 10, Dwarka New Delhi-110075
4. Dakshin Bihar Gramin Bank through its Chairman having its office at Sri Vishnu Commercial Complex, NH-30, New Bypass Near BP Highway Service Petrol Pump, Asochak, Patna-800016
5. Board of Directors Dakshin Bihar Gramin Bank through its Chairman having its office at Sri Vishnu Commercial Complex, NH-30, New Bypass Near BP Highway Service Petrol Pump, Asochak, Patna-800016



6. The Chairman Dakshin Bihar Gramin Bank (DBGB) having its office at Sri Vishnu Commercial Complex, NH-30, New Bypass Near BP Highway Service Petrol Pump, Asochak, Patna-800016
7. The General Manager (HRD/Pension) Dakshin Bihar Gramin Bank (DBGB) having its office at Sri Vishnu Commercial Complex, NH-30, New Bypass Near BP Highway Service Petrol Pump, Asochak, Patna-800016
8. Chief Manager Pension Cell Dakshin Bihar Gramin Bank (DBGB) having its office at Sri Vishnu Commercial Complex, NH-30, New Bypass Near BP Highway Service Petrol Pump, Asochak, Patna-800016
9. Senior Manager HRDD Dakshin Bihar Gramin Bank (DBGB) having its office at Sri Vishnu Commercial Complex, NH-30, New Bypass Near BP Highway Service Petrol Pump, Asochak, Patna-800016

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 14730 of 2019

Anil Kumar Pandey S/o Late Sukhdeo Pandey, Resident of
Awaleshpur,Pancham Katra Ke pas,
Varanashi,Akhileshpur,Kandawa,Varanasi,Uttar Pradesh,P.s.
Rolhania,Dist.Varanashi,UP 821115

... .. Petitioner/s

Versus

1. Union of India through its Secretary Ministry of Finance, Department of Financial Service,RRB Section, Banking Division, Jeevan Deep Building, 3rd Floor, Parliament Street,New Delhi-110001.
2. National Bank for Agriculture and Rural Development(Nabard) through its Chief General Manager Having its Head Office At-Plot C-24, G. Block, Bandra Kurla Complex,BKC Road, Bandra East,Mumbai,Maharashtra-400051
3. Punjab National Bank (PNB) through its CMD Having its Head Office At Plot No.4, Sector 10, Dwarka New Delhi-110075
4. Dakshin Bihar Gramin Bank Through its Chairman Having its Office at Shri Vishnu Commercial Complex, NH-30 News Bypass Near BP Highway Services Petrol Pump,Asochak,Patna-800016
5. Board of Directors Dakshin Bihar Gramin Bank Through its Chairman Having its Office at Shri Vishnu Commercial Complex, NH-30 New Bypass Near BP Highway Services Petrol Pump,Asochak,Patna-800016
6. The Chairman Dakshin Bihar Gramin Bank (DBGB) Having its Office at Shri Vishnu Commercial Complex, NH-30 New Bypass Near BP Highway Services Petrol Pump,Asochak,Patna-800016
7. The General Manager (HRD/Pension) Dakshin Bihar Gramin Bank Having its Office at Shri Vishnu Commercial Complex, NH-30 New Bypass Near BP Highway Services Petrol Pump,Asochak,Patna-800016
8. Chief Manager Pension Cell Dakshin Bihar Gramin Bank Having its Office



at Shri Vishnu Commercial Complex, NH-30 New Bypass Near BP Highway Services Petrol Pump, Ashochak, Patna-800016

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 11977 of 2021

Sheo Ram Sharma @ Shiv Ram Sharma Son of Sone Lal Sharma Ward no. 10, resident of Village- Madhaipur, Kundal, Samastipur, Kundal, Bihar, P.O.- Kundal, P.S.- Hasanpur, District- Samastipur, Pin- 848206, State- Bihar.

... .. Petitioner/s

Versus

1. The Union of India, through its Secretary Ministry of Finance, Department of Financial Services, RRB Section, Banking Division, Jeevan Deep Building, 3rd Floor, Parliament Street, New Delhi- 110001.
2. National Bank For Agriculture and Rural Development (NABARD) Through its Chief General Manager, having its Head Office at- Plot No. C-24, G- Block, Bandra Kurla Complex, BKC Road, Bandra East, Mumbai, Maharashtra, Pin code- 400051.
3. Punjab National Bank (PNB) Through its Chief Managing Director, having its Head Office at Plot No. 4, Sector- 10, Dwarka, New Delhi- 110075.
4. Dakshin Bihar Gramin Bank Through its Chairman, having its Office at Shri Vishnu Commercial Complex, NH-30, New Bypass, Near B.P. Highway Services Petrol Pump, Ashochak, Patna- 800016 (Bihar).
5. Board of Directors, Dakshin Bihar Gramin Bank Through its Chairman, having its Office at Shri Vishnu Commercial Complex, NH-30, New Bypass, Near B.P. Highway Services Petrol Pump, Ashochak, Patna- 800016 (Bihar).
6. The Chairman, Dakshin Bihar Gramin Bank Having its Office at Shri Vishnu Commercial Complex, NH-30, New Bypass, Near B.P. Highway Services Petrol Pump, Ashochak, Patna- 800016 (Bihar).
7. The General Manager (HRD/PENSION) Dakshin Bihar Gramin Bank, having its Office at Shri Vishnu Commercial Complex, NH-30, New Bypass, Near B.P. Highway Services Petrol Pump, Ashochak, Patna- 800016 (Bihar).
8. The Chief Manager, Pension Cell Dakshin Bihar Gramin Bank, having its Office at Shri Vishnu Commercial Complex, NH-30, New Bypass, Near B.P. Highway Services Petrol Pump, Ashochak, Patna- 800016 (Bihar).
9. The Senior Manager, HRDD Dakshin Bihar Gramin Bank, having its Office at Shri Vishnu Commercial Complex, NH-30, New Bypass, Near B.P. Highway Services Petrol Pump, Ashochak, Patna- 800016 (Bihar).

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 20375 of 2021



Rajendra Prasad Sah, Son of Late Mukund Sah, Resident of Mohalla-Professor Colony, Rambag, Road No. 2, Purnea, P.S.-Sadar, Purnea, District-Purnea, 854301 (Bihar).

... .. Petitioner/s

Versus

1. The Union of India through its Secretary, Ministry of Finance, Department of Financial Services, RRB Section, Banking Division, Jeevan Deep Building, 3rd Floor, Parliament Street, New Delhi-110001.
2. National Bank for Agriculture and Rural Development (NABARD) through its Chief General Manager having its Head Office at Plot No. C-24, G-Block, Bandra Kurla Complex, BKC Road, Bandra East, Mumbai, Maharashtra, Pin Code-400051.
3. Punjab National Bank (PNB) through its Chief Managing Director having its Head Office at Plot No. 4, Sector-10, Dwarka, New Delhi-110075.
4. Dakshin Bihar Gramin Bank through its Chairman having its office at Shri Vishnu Commercial Complex, NH-30, New Bypass, near B.P. Highway Services Petrol Pump, Ashochak, Patna-800016 (Bihar).
5. Board of Directors, Dakshin Bihar Gramin Bank through its Chairman having its office at Shri Vishnu Commercial Complex, NH-30, New Bypass, near B.P. Highway Services Petrol Pump, Ashochak, Patna-800016 (Bihar).
6. The Chairman, Dakshin Bihar Gramin Bank having its office at Shri Vishnu Commercial Complex, NH-30, New Bypass, near B.P. Highway Services Petrol Pump, Ashochak, Patna-800016 (Bihar).
7. The General Manager (HRD/PENSION), Dakshin Bihar Gramin Bank having its office at Shri Vishnu Commercial Complex, NH-30, New Bypass, near B.P. Highway Services Petrol Pump, Ashochak, Patna-800016 (Bihar).
8. The Chief Manager, Pension Cell, Dakshin Bihar Gramin Bank having its office at Shri Vishnu Commercial Complex, NH-30, New Bypass, near B.P. Highway Services Petrol Pump, Ashochak, Patna-800016 (Bihar).

... .. Respondent/s

Appearance :

(In Letters Patent Appeal No. 227 of 2021)

For the Appellant/s	:	Mr. Harendra Singh, Advocate Mr. Jai Prakash Singh, Advocate
For the Respondent/s	:	Mr. Prabhakar Jha, Advocate Mr. Mukund Mohan Jha, Advocate Mr. Amitesh Jha, Advocate

(In Civil Writ Jurisdiction Case No. 13428 of 2019)

For the Petitioner/s	:	Mr. Jai Prakash Singh, Advocate
For the Respondent/s	:	Mr. M. N. Parbat, Sr. Advocate Mr. Siddhartha Prasad, Advocate Ms. Punam Kumari Singh, Advocate Mr. Raj Nandan Prasad, Advocate Mr. Vishesh Kumar Singh, Advocate



(In Civil Writ Jurisdiction Case No. 13429 of 2019)

For the Petitioner/s : Mr.Jai Prakash Singh, Advocate
For the Respondent/s : Mr. M. N. Parbat, Sr. Advocate
Mr. Siddhartha Prasad, Advocate
Ms. Punam Kumari Singh, CGC
Mr. Raj Nandan Prasad, Advocate
Mr. Vishesh Kumar Singh, Advocate
Mr. Ved Prakash Srivastava, Advocate

(In Civil Writ Jurisdiction Case No. 13870 of 2019)

For the Petitioner/s : Mr.Jai Prakash Singh, Advocate
For the Respondent/s : Mr. M. N. Parbat, Sr. Advocate
Mr. Siddhartha Prasad, Advocate
Mr. Ramadhar Shekhar, CGC
Mr. Ved Prakash Srivastava, Advocate
Ms. Punam Kumari Singh, CGC
Ms. Rinki Kumari, CGC
Mr. Raj Nandan Prasad, Advocate
Mr. Vishesh Kumar Singh, Advocate

(In Civil Writ Jurisdiction Case No. 13888 of 2019)

For the Petitioner/s : Mr.Jai Prakash Singh, Advocate
For the Respondent/s : Mr. M. N. Parbat, Sr. Advocate
Mr. Ved Prakash Srivastava, Advocate
Ms. Punam Kumari Singh, CGC
Ms. Rinki Kumari, CGC
Mr. Raj Nandan Prasad, Advocate
Mr. Vishesh Kumar Singh, Advocate

(In Civil Writ Jurisdiction Case No. 13933 of 2019)

For the Petitioner/s : Mr.Jai Prakash Singh, Advocate
For the Respondent/s : Mr. M. N. Parbat, Sr. Advocate
Mr. Ved Prakash Srivastava, Advocate
Ms. Punam Kumari Singh, CGC
Ms. Rinki Kumari, CGC
Ms. Kanak Verma, CGC
Mr. Raj Nandan Prasad, Advocate
Mr. Vishesh Kumar Singh, Advocate

(In Civil Writ Jurisdiction Case No. 14730 of 2019)

For the Petitioner/s : Mr.Binod Kumar Singh, Advocate
Mr. Ajay Kumar Prasad, Advocate
For the Respondent/s : Mr. M. N. Parbat, Sr. Advocate
Mr. Ved Prakash Srivastava, Advocate
Ms. Punam Kumari Singh, CGC
Ms. Rinki Kumari, CGC
Ms. Kanak Verma, CGC
Mr. Raj Nandan Prasad, Advocate
Mr. Vishesh Kumar Singh, Advocate

(In Civil Writ Jurisdiction Case No. 11977 of 2021)

For the Petitioner/s : Mr.Jai Prakash Singh, Advocate
Ms. Punam Kumari Singh CGC
Ms. Rinki Kumari, Advocate

(In Civil Writ Jurisdiction Case No. 20375 of 2021)

For the Petitioner/s : Mr.Jai Prakash Singh, Advocate



For the Respondent/s : Mr.Dr. K.N. Singh (ASG)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 04-04-2025

LPA No. 227 of 2021

Appellant has assailed the order of the learned Single Judge dated 16.01.2020 passed in CWJC No. 24354 of 2019.

2. The scope of LPA is limited to the extent that what is the error committed by the learned Single Judge with reference to factual aspects and statutory provisions of law.

3. In brief, the appellant was subjected to disciplinary proceeding and charge memo was issued on 27.08.2015, while he was working as an Officer Scale-II in the respondent-Bank. He was about to attain the age of superannuation and retired from service on 31.08.2015. In the light of the fact that while he was in service he had been charge sheeted in a departmental enquiry. Enquiry was continued and concluded with imposition of penalty and dismissal from service on 09.06.2016. In this backdrop, the appellant is claiming that he is entitled to have the benefit of pension in the light of Regulation-2018. The learned Single Judge has taken note of Regulation No. 20 of Regulation-2018



and it relates to forfeiture of service. Having regard to the fact that the appellant has been dismissed from service, he has to forego all service and monetary benefits in the light of Regulation No. 20 of Regulation-2018.

4. The present LPA was presented in the year 2021. It is to be noted that Regulation called *Uttar Bihar Gramin Bank (Employees') Pension (Amendment) Regulations, 2024* was notified with reference to Regulation-2018. In other words, the appellant is improving his case in the light of later development to the extent that Amendment Regulation-2024 has been introduced. Regulation no. 3 and Regulation no. 20 of Regulation-2018 (unamended and amended), are as under:-

(Unamended Regulation No. 3)

“3. Application.-(1) These regulations shall apply to any employee who-

(a) was in the service of the Bank on or after the 1st day of September, 1987 but had retired on or before 31 March, 2010 who exercise an option in writing within one hundred and twenty days from the notified date, to become a member of the Fund and refund within sixty days after the expiry of the said period of one hundred and twenty days, the entire final amounts received by him (the corpus comprising of Bank's contribution to provident fund under the Employees' Pension Scheme, 1995 and interest accrued thereon till the



date of receipt by him of the amount) but without requiring to pay interest on such final amounts from the date of receipt of such final amounts to the date of refund; or

(b) was in the service of the Bank on or after the 1st day of September, 1987 who continue to be in the service of the Bank on or after the notified date and exercise an option in writing within one hundred and twenty days from the notified date, to become member of the Fund and cause to transfer the entire contribution of the Bank along with the interest accrued thereon, to the credit of the Fund constituted under regulation 4; or

(c) was in the service of the Bank between the 1st day of September, 1987 and 31 March 2010 and continued in service on or after effective date but retired before the notified date, if he exercises an option in writing within one hundred and twenty days from the notified date, to become member of the Fund and refund within sixty days of the expiry of the said period of one hundred and twenty days the entire final amounts received by him (the corpus comprising of Bank's contribution to provident fund under the Employees' Pension Scheme, 1995 and interest accrued thereon till the date of receipt by him of the amount) but without requiring to pay interest on such final amounts from the date of receipt of such final amounts to the date of refund:

Provided that the family of the employee who-

(i) was in the service of the Bank on or after the 1st day of September, 1987 but died on or before 31st March, 2010; or

(ii) joined the service between 1st September, 1987 and 31st March, 2010 and died before the effective date; or

(iii) joined the service of the Bank between 1st September 1987 and 31st March 2010 and continued in



service on or after the effective date but had died before one hundred twenty days after the notified date without the employee exercising an option in writing to become member of the Fund,

shall be entitled to family pension under these regulations, if the family of such deceased employee exercises an option in writing within one hundred and twenty days from the date of the death of the employee or the expiry of one hundred and twenty days from the notified date, whichever is later, to become member of the Fund and refund within sixty days of the expiry of the said period of one hundred and twenty days the entire final amounts received by the family (the corpus comprising of Bank's contribution to provident fund under the Employees' Pension Scheme, 1995 and interest accrued thereon till the date of receipt of the amount by the family) but without requiring to pay interest on such final amounts from the date of receipt of such final amounts to the date of refund.

(2) An employee or family of the deceased employee not exercising the option under sub-regulation (1) or who, after exercising the option, not refunding the amount shall be deemed not interested in becoming a member of the Fund and shall continue to be governed under the Employees' Pension Scheme, 1995.

(3) Notwithstanding anything contained in this regulation, any employee who joined the service of the Bank on or after the 1st April, 2010 shall have an option either to be covered by the National Pension System or to continue to be governed under the Employees' Pension Scheme, 1995.

(4) Notwithstanding anything contained in this regulation, any employee who join the service of the Bank on or after the 1st April, 2018 shall be covered by the National Pension System.”



(Amended Regulation No. 3)

“In regulation 3 of the said regulations, the following regulation shall be substituted, namely:-

Application.-(1) Any employee who-

(a) was in the service of the Bank between the 1st September, 1987 and the 31st March, 2010 and retired or dismissed or removed or terminated from service before the date of notification of Uttar Bihar Gramin Bank (Employees') Pension (Amendment) Regulations, 2024 and refunded or becomes a member of the Fund and refund within fifteen days from the date of notification of Uttar Bihar Gramin Bank(Employees') Pension (Amendment) Regulations, 2024 in the Official Gazette, the entire final amounts received by him (the corpus comprising of Bank's contribution to provident fund under the Employees' Pension Scheme, 1995 and interest accrued thereon till the date of receipt by him of the amount) and the periodic pension, if any, received by him under the Employees' Pension Scheme, 1995 attributable to any period before date of notification of Uttar Bihar Gramin Bank (Employees') Pension (Amendment) Regulations, 2024 in the Official Gazette but without, in either case, requiring to pay interest on such amounts from the date of receipt of such amounts to the date of refund:

Provided that an employee who is required to refund the amounts as per this clause may authorise the Bank to adjust these amounts from the amounts payable by the Bank to the employee:

Provided further that an employee who was eligible to opt for pension under the said regulations but did not opt within the stipulated time or having opted not refunded the money within the stipulated time, the periodic pension, if any, received by him under the Employees' Pension Scheme, 1995, need not be refunded.



(b) was in the service of the Bank between the 1st September, 1987 and the 31 March, 2010 and continue to be in the service of the Bank on or after the date of notification of Uttar Bihar Gramin Bank (Employees') Pension (Amendment) Regulations, 2024 in the Official Gazette, and a member or becomes member of the Fund and caused or cause to transfer the entire contribution of the Bank along with the interest accrued thereon, within fifteen days from the date of notification of Uttar Bihar Gramin Bank (Employees') Pension (Amendment) Regulations, 2024 in the Official Gazette, to the credit of the Fund constituted in regulation 4 and refund the portion of pension, if any, received by him under Employees' Pension Scheme 1995, and attributable to any period before date of notification of Uttar Bihar Gramin Bank (Employees') Pension (Amendment) Regulations, 2024 in the Official Gazette.

(c) was in the service of the Bank between the 1st September, 1987 and the 31 March, 2010 and exercised an option under clause (b) of sub-section (3) of section 23A of the Act or resigned before the notification of the said Regulations, in either case, after having completed twenty years of qualifying service and by giving proper notice, shall become member of the Fund and refund within fifteen days from the date of notification of Uttar Bihar Gramin Bank (Employees') Pension (Amendment) Regulations, 2024 in the Official Gazette, the entire final amounts received by him (the corpus comprising of Bank's contribution to provident fund under the Employees' Pension Scheme, 1995 and interest accrued thereon till the date of receipt by him of the amount) and periodic pension, if any, received by him under the Employees' Pension Scheme, 1995 attributable to any period before date of notification of Uttar Bihar Gramin Bank (Employees') Pension (Amendment) Regulations, 2024 in



the Official Gazette but without, in either case, requiring to pay interest on such amounts from the date of receipt of such amounts to the date of refund:

Provided that an employee, who is required to refund the amounts, under this clause may authorise the Bank to adjust these amounts from the amounts payable by the Bank to the employee.

(2) The family of the employee covered under clauses (a) and (c) of sub-regulation (1), shall be entitled to family pension under these regulations when the family of such deceased employee refunded or refunds within thirty days from the date of notification of Uttar Bihar Gramin Bank (Employees') Pension (Amendment) Regulations, 2024 in the Official Gazette, the entire final amounts received by the deceased employee or as the case may be the family, the corpus comprising of Bank's contribution to provident fund under the Employees' Pension Scheme, 1995, and interest accrued thereon till the date of receipt of the amount by the deceased employee or, as the case may be, the family of a deceased employee and pension or family pension, if any, received by the employee or the family of the deceased employee under the Employees' Pension Scheme, 1995, but in either case without requiring to pay interest from the date of receipt to the date of refund.

Provided that a family of the deceased employee, who is required to refund the amounts under this clause may authorise the Bank to adjust these amounts from the amounts payable by the Bank to the employee:

(3) Notwithstanding anything contained in this regulation, any employee who joined the service of the Bank on or after the 1st April, 2010 shall be covered by the National Pension System.”



(Unamended Regulation No. 20)

“20. Forfeiture of service.-

(1) Resignation not amounting to voluntary retirement or dismissal or removal or termination of an employee from the service of the Bank shall entail for forfeiture of his entire past service and consequently shall not qualify for pension under these regulations.

(2) An interruption in the service of an employee entails forfeiture of his past service, except in the following cases, namely:-

(a) authorised leave of absence;

(b) suspension, where it is immediately followed by reinstatement, whether in the same or a different post, or where the employee dies or is permitted to retire or is retired under the provisions of the Service Regulations while under suspension.”

(Amended Regulation No. 20)

“4. In regulation 20 of the said regulations, after sub-regulation (1), the following proviso shall be inserted, namely:-

“Provided that there would no forfeiture of service for employees covered under clause (c) of sub regulation (1) of regulation 3.”

5. As on the date of filing of CWJC No. 24354 of 2019 read with the disposal of the said petition by the learned Single Judge on 16.01.2020, the appellant has not made out a case in view of unamended Regulation No. 20 of Regulation-2018. He had a fresh cause of action only in the year 2024, in



view of the amendment of Regulation No. 3 and 20 for the present case. The appellant cannot agitate his right in LPA proceedings with reference to amended Regulation of 2024. He has to approach the concerned authority and thereafter if they fail to redress any grievance of his, in such circumstance he has a remedy of filing fresh writ petition.

6. Be that as it may, the appellant's contention is that amended Regulation No. 20 of Regulation-2018 undertaken (Amendment Regulation), 2024 would assist the grievance of the appellant to the extent that there is no forfeiture of service for employees who have been dismissed, removed or terminated in the light of 2024 amendment. At the same time, amended Regulation No. 20 is to the following extent.

“Provided that there would no forfeiture of service for employees covered under clause (c) of sub-regulation (1) of regulation (3)”.

Learned counsel for the appellant has admitted that the appellant do no satisfy or fulfill the requisites of clause (c) of sub-regulation (1) of regulation (3). In that event, the amended Regulation-2024 has no application. That apart, it is necessary to take note of Regulation No. 29 of Regulation-



2018. It is necessary to reproduce Regulation No. 29 of Regulation-2018, which reads as under:-

“29.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 him from service may, if-

(1) such dismissal, removal, or termination is on or after the effective date; and

(ii) the case is deserving of special consideration,

sanction a compassionate allowance not exceeding two-thirds of the pension which would have been admissible him on the basis of the qualifying service rendered upto 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 34.”

Regulation 29(1)(i) of Regulation-2018 relates to dismissal, removal or termination. Therefore, it is evident that the appellant is entitled to invoke remedy only under Regulation No. 29 of Regulation-2018, in seeking compassionate allowance. In this regard, there is no application before the concerned authority, on the other hand his grievance is that he is entitled to the benefit of amended



Regulation-2024.

7. In the light of these facts and circumstances, the petitioner has not made out a case so as to interfere with the order of the learned Single Judge dated 16.01.2020 passed in CWJC No. 24354 of 2019.

8. LPA stands dismissed.

9. So far as CWJC No. 13428 of 2019, CWJC No. 13429 of 2019, CWJC No. 13870 of 2019, CWJC No. 13888 of 2019, CWJC No. 13933 of 2019, CWJC No. 14730 of 2019, CWJC No. 11977 of 2021 and CWJC No. 20375 of 2021 are concerned, they are de-linked.

10. Registry is requested to list all these de-linked writ petitions before the concerned Roster Bench at the earliest.

(P. B. Bajanthri, J)

(Alok Kumar Sinha, J)

Ranjan/-.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.04.2025
Transmission Date	NA

