28.11.2025
(D/L-16)
Ct. No.4
(B.K.N.)

M.A.T. 696 of 2025
With
CAN 1 of 2025
CAN 2 of 2025

Indian Bank erstwhile Allahabad Bank & Ors.
Vs.
Sri Anil Kumar Ray

Mr. Soumya Majumder, Sr. Adv.,
Mr. Shiv Mangal Singh
...for the Appellants

Mr. Sarbananda Sanyal,
Ms. Poulami Chakraborty
...for the Respondent

<u>In Re: CAN 1 of 2025</u>

1. This is an application under Section 5 of the Limitation Act for condonation of delay of 57 days in filing the instant appeal.
2. On perusal of the application and after hearing the learned advocates for the contending parties this Court is of the considered view that the appellants are successful in explaining the delay in filing the instant appeal.
3. Accordingly, the prayer is allowed.
4. Delay in filing the instant appeal is hereby condoned.
5. CAN 1 of 2025 is disposed of accordingly.

<u>In Re: M.A.T. 696 of 2025</u>

1. The respondent was the writ petitioner before the Hon'ble Single Bench. The writ petitioner retired as a Security Guard from the service of the bank on

30.06.2006. It appears from the records that a terms of settlement was arrived at on 27.04.2010 which contemplated giving an opportunity to exercise option for pension scheme subject to terms and conditions which have subsequently been notified by a circular of the bank dated 15.09.2010.

2. It was the case of the writ petitioner before the Hon'ble Single Judge that in the meantime he submitted his option form on 06.09.2010 which was received by the authorities and acted upon by processing the same. However, he was not granted pensionary benefits. Considering the submissions advanced on behalf of the parties, the Hon'ble Single Judge took note of the factual state of affairs and by the order dated 07.02.2025 passed in W.P.A. No. 15694 of 2012, which is under appeal, directed the respondents to process the writ petitioner's pension papers. The directions are in the following terms:

> *"7. Having regard thereto, I direct the respondents to finally process the petitioner's pension papers and compute the amount that is refundable by the petitioner for the petitioner to be entitled to the aforesaid pension. The petitioner shall be obliged to make payment of the amount so determined by the respondents along with simple interest calculated at the rate 6% per annum from the date when the same was disbursed in favour of the petitioner till such time the same is returned back. The respondents are also directed to complete the process of issuing PPO including completion of all formalities for disbursal of pension in favour of the petitioner within a period of eight weeks from date. Needless to note that the respondent shall compute the arrears and the arrears shall carry interest @6% p.a.*

> *8. With the above directions, is instant writ petition stands disposed of without any order as to costs."*

3. The learned senior counsel appearing on behalf of the appellants submits that by exercising writ jurisdiction the Hon'ble Single Judge in effect has altered the circular dated 15.09.2010, containing the policy of the bank wherein a window was provided for submitting the option form in between 20.09.2010 and 18.11.2010. Since the writ petitioner's option form was submitted prior thereto that is on 06.09.2010 such option could not come within the scope of the circular dated 15.09.2010, for grant of benefits under the circular.
4. The second submission advanced on behalf of the appellants is that the order of the Hon'ble Single Judge may lead to a flood gate of litigation and such claims may be raised contrary to the circular of the bank dated 15.09.2010.
5. Upon going through the records of the case, submissions advanced on behalf of the parties and the order passed by the Hon'ble Single Judge we find that the Hon'ble Single Judge has taken note of the fact that the option form was submitted after the terms of settlement have been arrived at on 27.04.2010. It is also not in dispute that option was submitted on the prescribed option form, and was also acted upon by the respondents by processing the same. The fact that

the circular was notified few months later, therefore, was not found to be of much relevance by the Hon'ble Single Judge who has taken note of the stand of the respondents in paragraphs 5, 6 and 7 of the order in the following terms:

> *"5. Mr. Majumdar, learned senior advocate representing the respondent bank has not denied the aforesaid option being exercised by the petitioner as appearing at page 18 of the writ petition. He candidly submits that though the pension papers of the petitioner were processed however, since the original option exercised by the petitioner in terms of the said regulation could not be traced, PPO had not been issued.*
>
> *6. Heard the learned advocates for the respective parties and considered the materials on record. Nothing that the petitioner was an employee of the Allahabad Bank who had been superannuated on June 30, 2006 and also noting that the respondents had already processed the petitioner's pension papers and it is also an admitted position that the circular letter dated September 15, 2010 was issued and a further option was given to the ex-employees of the bank to opt for pension. The petitioner was eligible in terms thereof and having exercise the option as appearing at page 18 of the writ petition, though such exercise of option was prior to publication of aforesaid circular letter, I am of the view that since the above circular was introduced to implement the terms of settlement/Joint note dated April 27, 2010, as advised by the Indian banks' association and approved by the Board of Directors of the bank in its meeting held on August 28, 2010, providing for a further opportunity to the employees/officers to become members of the pension found under the said regulation and noting that the same had the sanction of the Central Government, and that the option exercise by the petitioner though prior to September 15, 2010 being duly counter-signed by the Manager of Allahabad Bank, the case made out by the petitioner that since a decision to permit exercise of option by the ex-employees had been taken, the option form was circulated, appears to be a plausible explanation. Further non-availability of the records of this case should not be a ground to deny the petitioner the opportunity to avail*

> *pensionary benefit especially since the respondents had processed the petitioner's pension papers in tune with their pension regulation.*
>
> *7. Having regard thereto, I direct the respondents to finally process the petitioner's pension papers and compute the amount that is refundable by the petitioner for the petitioner to be entitled to the aforesaid pension. The petitioner shall be obliged to make payment of the amount so determined by the respondents along with simple interest calculated at the rate 6% per annum from the date when the same was disbursed in favour of the petitioner till such time the same is returned back. The respondents are also directed to complete the process of issuing PPO including completion of all formalities for disbursal of pension in favour of the petitioner within a period of eight weeks from date. Needless to note that the respondent shall compute the arrears and the arrears shall carry interest @6% p.a."*

6. Such being the facts and circumstances where the respondent bank did not deny the option being exercised by the writ petitioner and the fact that the option was acted upon and processed, weighed in the mind of the Hon'ble Single Judge while allowing the writ petition. The relief appears to have been granted in view of the admitted position arising from the records, based on submissions recorded therein, which are extracted above. Therefore, the argument and apprehension regarding flood gate litigation seems to be unfounded as the relief was granted to the writ petitioner taking note of an admitted position.
7. We, therefore, find no reason to interfere with the order dated 07.02.2025 passed in W.P.A. 15694 of 2012 by the Hon'ble Single Judge.

8. The appeal is dismissed.
9. Application being CAN 2 of 2025 is also dismissed.
10. We consider it appropriate that the time limit granted by the Hon'ble Single Judge in paragraph 7 of the judgment be complied within the time limit/s specified therein, but with reference to the date of passing of this order.
11. Urgent Photostat Certified copy of this order, if applied for, be supplied to the parties upon compliance with all necessary formalities.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)