



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 24.09.2025

PRONOUNCED ON : 26.09.2025

CORAM

THE HONOURABLE MR.JUSTICE T. VINOD KUMAR

WP No. 11947 of 2020

1. Mrs. S.Vasantha Subash Chandran,
W/o. late K.Subash Chandran, Plot
No.10/11, Flat F5, Salims Regal
Square, Periyar street, Gandhi Nagar,
Saligramam, Chennai -93.

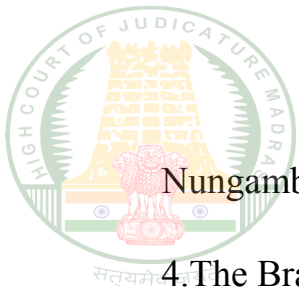
Petitioner(s)

Vs

1. The Chief General Manager,
State Bank of India, Local Head Office,
Circle Top House, No.16, College Lane,
Nungambakkam, Chennai -6.

2.The Regional Manager,
State Bank of India, Regional Business
Office, Cherry Road, Hasthampatti,
Salem -636 007.

3.The Assistant General
Manager(PPG),
State Bank of India, Local Head Office,
PPG Department, No.16, College Lane,



Nungambakkam, Chennai -6.

4.The Branch Manager,

State Bank of India, Sankari, Salem

District - 637 301.

Respondent(s)

PRAYER:

Writ Petition filed under Art. 226 of the Constitution of India praying or issuance of Certiorarified Mandamus to call for the entire records, leading to e-mail impugned order dated 01.07.2020 on the file of 3rd respondent and quash the same and to consequently direct the respondents to pay the pension and terminal benefits to the petitioner together with 18 percentage interest and other consequential benefits from the date of retirement to till the date of payment within a stipulated time pass.

For Petitioner(s): M/s. L. Jyothy

For Respondent(s): Mr. C. Mohan for
M/s.King And Partridge

ORDER

Heard Ms. L. Jyothy, learned counsel for the petitioner and Mr.C.Mohan, for M/s.King and Patridge appearing for the respondent.

2. By the present Writ Petition, the petitioner has called in question the action of the 3rd respondent in responding to the representation of the petitioner dated 27.06.2020 through e-mail dated 01.07.2020 rejecting the claim for



payment of pension, as not fulfilling the eligibility criteria.

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3. The case of the petitioner in brief is that she was given employment with the respondents on compassionate ground and had joined the services of the respondents on 10.06.1987 in clerical cadre; that her services were confirmed with effect from 10.12.1987; that she had worked in same cadre till 05.12.2006 without any promotion and that she had opted to retire from the service of the respondent voluntarily under Exit Option Scheme dated 31.08.2006 as introduced by the respondent which was open from 01.09.2006 to 31.03.2007.

4. It is the further case of the petitioner that in order to be eligible to apply under the Scheme, one should have minimum age of 50 years on the date of making application ; and that the petitioner being 53 years of age had applied under the said Scheme on 05.09.2006 and Exited from the services of the respondent on 05.12.2006.

5. It is the further case of the petitioner that since, the petitioner exited



from the services of the respondent pursuant to a Scheme introduced by the respondent, termed as Exit Option Scheme, the same is akin to Voluntary Retirement Scheme and therefore, the respondent ought to have granted pensionary benefits to her.

6. It is the further case of the petitioner that since, the date of joining the respondent service in the clerical cadre and having continued to work in the same cadre all along without any promotion has caused frustration, pushing her into depression resulting in health issues.

7. The petitioner further contended that on account of indifferent approach adopted by the respondent towards her in not considering her request for transfer to Chennai so as to be with her son who was studying there has also affected her health and it is for the said reason, the petitioner chose to avail the Exit Option Scheme introduced by the respondent; and that the respondent having issued the Scheme cannot deny granting pensionary benefits for the long service of 19 years rendered by her, on the ground of she not being eligible for pension in terms of “SBI Employees Pension Fund Rules”

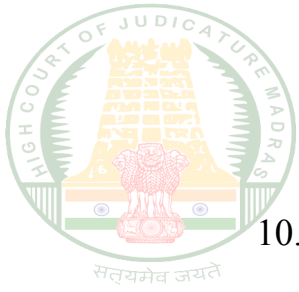


[hereinafter referred to as Pension Rules”].

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8. It is also contended by the petitioner that since, she had opted to Exit from the services of the respondents under the Scheme due to health issues and denial of transfer to Chennai after having rendered services for more than 19 years, the respondent cannot seek to deny the benefit of pension on the ground of not having completed 20 years of service.

9. It is also the further case of the petitioner that since, she had sought to exit from the service of the respondents on account of health ground, the case of the petitioner would be covered by sub Rule (ii) of Rule 22 of the Pension Rules, which provides for grant of pensionary benefit if a member who had attained the age of 55 years is incapacitated bodily or mental infirmity from doing further active service. It is contended that since, the petitioner had opted for the Scheme on account of her request for transfer to Chennai not been considered and also having developed health issues, she would be entitled for grant of pension under the Pension Rules, which has not been considered and also having developed health issues, by the respondent in correct perspective.



10. It is the further contention of the petitioner that as payment of pension is the monthly occurrence, the same would constitute a continuing cause of action and as such, she has approached this court by the present writ petition after the representation submitted by her on 27.06.2020 is rejected by the respondent by e-mail on 01.07.2020.

11. In support of the aforesaid contention, reliance is placed on the decision of the Apex Court in the case of ***Assistant General Manager and others Vs. Radhey Shyam Pandey (2020) 6 Supreme Court Cases 438*** and a decision of the Division Bench of this Court in ***W.A.No.346 of 2024 dated 20.11.2024*** in the case of ***SBI Vs. Jayanthi Srinivasan***

12. Counter affidavit on behalf of the respondent is filed.

13. The respondent by the counter affidavit filed, while denying the writ averments had contended that the claim of the petitioner of she having exited the service of the respondent under Voluntary Retirement Scheme is factually incorrect in as much as no Voluntary Retirement Scheme (VRS) was introduced



by the respondent.

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14. The respondent further contended that the Bank in order to address grievance of some of its clerical and subordinate employees who feel frustrated and demotivated due to lack of career prospectus or any other reason which makes them frustrated or demotivated, had introduced Exit Option Scheme for all those employees who have minimum age of 50 years on the date of application.

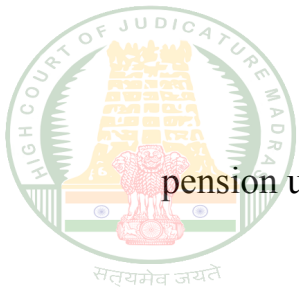
15. It is also contended on behalf of the respondents that as per the said Scheme introduced by the respondents, an employee seeking to exit from the services of the respondents under the Scheme was entitled to be paid ex-gratia besides normal terminal benefits as specified in the Scheme; that it had been clearly stated in the Scheme as formulated that the pension shall be payable only to those employees who are eligible for the same in terms of the Pension Rules of the respondent; and that as per the Pension Rules, a member would be entitled for pension only after completing 20 years of pensionable service.



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16. The respondent would also contend that a permanent employee of the respondent Bank from the date on which his service is confirmed would be eligible to become member of the pension fund; that the petitioner's probation having been confirmed on 10.12.1987, the period of 20 years is to be reckoned therefrom; and that she having exited the services of the respondent on 05.12.2006 i.e., one year 5 days before she having completed the period of 20 years to be eligible to receive pension as per the Pension Rules, thus, is not eligible for being granted or paid.

17. On behalf of the respondents, it is also contended that the petitioner having made an application to exit the services of the respondent immediately on the Scheme being made operational with effect from 01.09.2006 by submitting her application on 05.09.2006 and also having accepted the benefit paid by the respondent under the Scheme including ex-gratia, cannot lay claim for payment of pension after a lapse of 14 years by submitting a representation on 27.06.2020 claiming of she having forced to avail the said Scheme on account of her health issues and denial of transfer to Chennai and thus, is to be to be considered as bodily incapacitated for her to be eligible for payment of



pension under Rule 22(ii) of the Pension Rules.

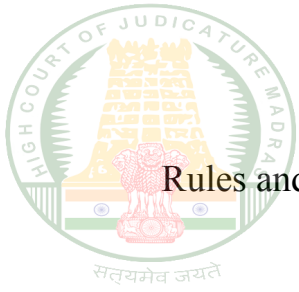
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18. In support of the aforesaid submission reliance is placed on the following decisions:

- (i) 2019 (18) SCC 126 (*Delhi Transport Corporation Vs Balwan Singh and others*);
- (ii) 2019 (4) SCC 479 (*LIC Vs. Shree Lal Meena*);
- (iii) 2024 (9) SCC 331 (*U.P. Roadways Retired Officials & Officers Assn. Vs. State of UP*);
- (iv) 2024 SCC OnLine Mad 4622 (*M. Lalitha Vs. Chairman/Chairperson, State Bank of India & others*);
- (v) Order dated 10.01.2025 in W.P.No.6322 of 2020 of this Court
- (vi) Order dated 10.01.2025 in W.P.No.6330 of 2020 of this Court
- (vii) 2008 (10) SCC 115 (*C. Jacob Vs. Director of Geology and Mining and another*)
- (viii) 1997 (1) SCC 256 (*Vijay Singh, Secretary Home and another Vs. Mittanlal Hindoliya*)

19. I have taken note of the respective contentions.

20. The short point that falls consideration of this Court in the present writ petition is as to whether the petitioner who had opted to Exit the services of the respondent by availing Scheme introduced by the respondent termed as 'Exit option Scheme' can claim the benefit of payment of pension beyond the



Rules and Regulations and conditions of the said Scheme.

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21. Though it is contended by the petitioner that the said Scheme to be a voluntary Retirement Scheme, a reading of the Scheme document would clearly indicates that the Scheme is not a Scheme designed as Voluntary Retirement Scheme having necessary approvals of the Government for the benefit derived thereunder being exempted from levy of Income Tax and other statutory levies. Since, the Scheme under which petitioner exited the services of the respondents does not have the strings peculiar to a VRS, the exit of the petitioner from the services of respondent cannot be considered as Voluntary Retirement. Thus, the petitioner would be bound by the terms and conditions of the Scheme, namely Exit Option Scheme, in order to be eligible to the benefit specified thereunder. The Scheme under which the petitioner exited the services of the respondent provides for payment of exgratia and other terminal benefits as defined in clause 7 of annexure 1 of the Scheme.

22. While the said clause provides for payment of exgratia and other terminal benefits within a period not exceeding one month from the date of



release from service of the respondents, however, when it comes to payment of pension, specifies that the same would be payable only to those employees who are eligible for the same in terms of SBI Employees Pension Fund Rules (as defined herein above as Pension Rules). Further, clause 6 of annexure 2 of the Scheme provides for accounting procedure in respect of employees who are permitted to be released from the services of the respondents under the Scheme and the benefits to which they are eligible. One of the benefit to which an employee who is permitted to be released from the services of the respondent under the Scheme is pension. However in respect of the benefit of pension is concerned, it has been stated that, the benefit of pension would be available if minimum pensionable service of 20 years is put in.

23. Admittedly, the petitioner did not put in 20 years of service at the time of her exit from the date of confirmation of her services i.e., on 10.12.1987. The petitioner in order to be eligible for being granted pension required to serve for a further period of one year 5 days, only upon which she would have become entitled to pension. The petitioner, however chose to exit the services of the respondent before completing the minimum period of service required as



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per Pension Rules. Since, the conditions of the Scheme clearly stipulate that in addition to payment of exgratia and terminal benefits, the pension would be paid only if eligible as per the Pension Rules and the petitioner having not completed the service of 20 years as mandated under Rule 22(1) of the Pension Rules, in the considered view of this court, would not entitle to claim any benefit under the Rules. Further, it is to be noted that the prescription of minimum service to exit from the service of the respondent is different from the prescription of minimum service required to be put in by a member to be eligible to be paid pension.

24. Though on behalf of the petitioner, it is contended that the petitioner on account of her ill health and her request for transfer to Chennai not being considered favourably and also being forced to work in the same cadre from the date of joining has caused frustration and led to her ill-health, and thus, has to be considered as bodily incapacitated for being granted the pensionary benefit under Rule 22(ii) of the Pension Rules, even though, not having completed 20 years of service, it is to be noted that no material is placed on record to show that the petitioner having raised any plea to the said fact while being in service



with the respondent. Further, it is only in the representation submitted by her to the respondent on 27.06.2020, i.e., after 14 years, for the first time, such a plea is taken.

25. Further a close scrutiny of clause (ii) of Rule 22 of the Pension Rules under which grant of Pension is being sought on the ground of bodily incapacitated, would require the said fact of being bodily incapacitated or mental infirmity to be **proved** to the satisfaction of the authority empowered to sanction retirement. [Underlining and emphasis supplied by Court]

26. The petitioner, while being in service with the respondents having not sought for retirement on the said ground at any time prior to introduction of the Exit Option Scheme by the respondent either on account of her ill health or her request for transfer to Chennai, not being considered and on the other hand, having chose to exit service of the respondent by availing the benefit of the Scheme, cannot claim of being entitled to be granted pensionary benefit under sub-clause (ii) of Rule 22 of Pension Rules, as the factum of bodily incapacitated is not only been proved, but not even pleaded, for her to claim



relief under the said clause now. [underlining Supplied by Court]

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27. Further, it is also noted that the petitioner having availed the benefit of the Exit Option Scheme by submitting her application on 05.09.2006 and also being relieved from the services of the respondents on 05.12.2006 had remained silent for 14 long years. It is not difficult to discern that it is only after the Apex Court rendering decision in the case of *Assistant General Manager and others Vs. Radhey Shyam Pandey (2020) 6 Supreme Court Cases 438*, dealing with Voluntary Retirement Scheme floated by the respondents, wherein, the Apex Court dealt with the issue relating to payment of pension and held in favour of the employee opting to retire from the services of the Bank, the petitioner submitted a representation to the respondents and on the respondents rejecting the said representation had approached this Court by the present writ petition claiming that it is a continuing cause of action.

28. Though the submission made by the petitioner as to the continuing cause of action is attractive at the first blush, a closer look thereinto would show, that the petitioner did not raise the issue at any time from the date of her



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Exit from the services of the respondent i.e., wef 05.12.2006 either by submitting any representation or raising a grievance before any authority for

her to raise the plea of continuing cause of action. The Apex Court in ***Shiv Daas Vs UOI (2007 9 SCC 274)*** dealing with continuing cause of action held that even in such case, if a writ petition is filed beyond a period of three years, the High Court should not entertain the same. The relevant observations of the

Honourable Supreme Court are as under:

'10. In the case of pension the cause of action actually continues from month to month. That, however, cannot be a ground to overlook delay in filing the petition. It would depend upon the fact of each case. If petition is filed beyond a reasonable period say three years normally the Court would reject the same or restrict the relief which could be granted to a reasonable period of about three years. The High Court did not examine whether on merit the appellant had a case. If on merits it would have found that there was no scope for interference, it would have dismissed the writ petition on that score alone.

29. The Apex Court, in the case of ***C.Jacob Vs. Director of Geology (2008 10 SCC 115)*** dealing with delay and laches in service matters and also with regard to entitlement of pension had held that the employee claiming pension should in the first instance fall in particular category of pension like



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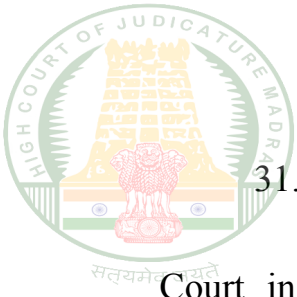
VRS, invalid pension etc., only upon which the question of determination with reference to length of qualifying service would arise.. Further, the Apex Court also held that the stale claims can be rejected on the ground of delay alone.

30. A co-ordinate Bench of this Court in **(M. Lalitha Vs.Chairman/Chairperson, State Bank of India & others)** reported in 2024 **SCC OnLine Mad 4622** dealing with Rule 22 of Pension Rules of the respondent observed as under:

' 18. For the aforementioned reasons, it is clear that the petitioner's husband has not satisfied the qualifying pensionable service for obtaining pension from the respondent – Bank.'

The Court by observing as above, has held as under ;

' 32. Since the petitioner's husband has not satisfied the requirements for grant of pension as per Rule22 of the Pension Rules of the respondent – Bank and he is not eligible to receive pension, the decisions rendered by the Honourable Supreme court in the cases of Sheelkumar Jain and M.L.Patil, cited supra, have no applicability for the facts of the instant case, as in those cases, the petitioners therein were eligible to receive pension. '



31. A similar view is also taken by another Co-ordinate Bench of this Court in WP.No.6322 of 2020 and 6330 of 2020 wherein, an analogous provision was under consideration.

32. A conspectus of the aforesaid decisions, would lead us to the following conclusion: (i) the present petition as filed by the petitioner suffers from delay and laches and ; (ii) as the petitioner does not satisfy the condition of the period of service to be eligible for grant of pension is not entitled for grant of pension.

33. In so far as the reliance placed by the petitioner on the decision of the Apex Court in the case of *Assistant General Manager and others Vs. Radhey Shyam Pandey* (cited supra) is concerned, it is to be noted that their Lordship of the Apex Court while dealing with the Scheme of Voluntary Retirement formulated by the respondent which provides for granting of pension to employees seeking to retire under the Scheme having specified period of service of 5 years, which benefit was sought to be denied by applying Rule 22 of the Pension Rules, had held that the respondents having framed a Scheme



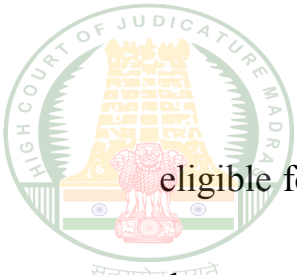
specifying therein the period as 15 years of service as eligible for pension cannot seek to deny the benefit by applying the Pension Rules.

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34. Thus, the facts under consideration in the said case are entirely different from the facts in the present case and thus, the aforesaid decision would not advance the case of the petitioner.

35. In so far as the reliance placed on the decision of the Division Bench of this Court rendered in WA.No.346 of 2024, it is to be noted that even the aforesaid case dealt with non extending of the benefit of pension to employee who had opted to retire from the services of the respondents under the VRS Scheme and not under Exit Option Scheme as in the present case.

36. Though this court in the aforesaid decision had held that the probationary period of six months is to be included, for computing the eligibility period of 15 years for payment of pension under the Scheme, as noted herein above since the petitioner does not fall under the said Scheme and also taking note of the fact that even if the of probation period of six months is included, the petitioner would still not be completing 20 years of service to be



eligible for grant of pension, the said decision is of little assistance to advance the case of the petitioner.

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37. In view of the above, this Court is of the opinion that the present writ petition as filed is not only devoid of merits, but also suffer on account of delay in latches and as such, the petitioner is not entitled for being granted any relief.

38. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs. The connected miscellaneous petitions, if any, shall stand closed.

msr

26-09-2025

Index: Yes/No

Internet: Yes

Neutral Citation: Yes/No

To

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**Pre-Delivery order made
in
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