



W.A.(MD).No.453 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.A.(MD).No.453 of 2020
and

C.M.P.(MD).Nos.3210 of 2020, 8088 of 2021 & 17629 of 2023

1.The Senior Manager,
Employees Pension Fund,
Human Resources Wing,
Canara Bank,
Naveen Complex, 14, M.G.Road,
Bangalore - 560 001.

2.The Manager,
Human Resources Management Section,
Canara Bank Circle Office,
(East Veli Street), Madurai.

3.The Manager,
Canara Bank,
Ettiyapuram Branch,
Tuticorin District.

4.The Manager,
Canara Bank,
Chidambaram Nagar Branch,
Tuticorin, Tuticorin District.

... Appellants/Respondents

Vs.

D.Koilpitchai

... Respondent/Petitioner



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to allow the appeal and set aside the order dated 21.11.2019 passed in W.P.(MD).No.17042 of 2013 on the file of this Court.

For Appellants : Mr.C.Godwin

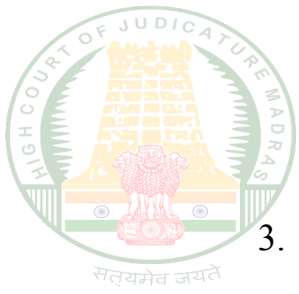
For Respondent : Mr.J.Senthil Kumaraiah

JUDGMENT

(Judgment of the Court was made by S.M.SUBRAMANIAM, J.)

The present intra-court appeal has been instituted challenging the order dated 21.11.2019 passed in W.P.(MD).No.17042 of 2013.

2. The facts in nutshell show that the respondent was holding the post of Manager in Canara Bank. Admittedly, the respondent opted for Special Voluntary Retirement Scheme introduced by the Bank administration. The respondent was relieved from service on 31.03.2001 and all his Special Voluntary Retirement Scheme benefits had been settled. After a lapse of about 13 years from the date of retirement, the respondent has chosen to file the Writ Petition claiming that he is entitled to avail the benefit of Regulation 29 of Pension Regulations for adding of five years of notional service to the actual service rendered for settlement of pensionary benefits and also for rounding off the years of actual services rendered.



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3. It is sufficient if the conditions are stated in the Special Voluntary Retirement Scheme order issued to the petitioner dated 15.12.2000. The order reveals that “the provision of adding 5 years notional service to the actual service rendered in case of those who opt for voluntary retirement under Regulation 29 of the Pension Regulations will not be available to those who opt for voluntary retirement under the "Canara Bank Employees" Special Voluntary Retirement Scheme circulated vide Circular 235/2000.” Admittedly, the respondent opted for Special Voluntary Retirement Scheme under Circular No.237/2000. It is specifically stated that the benefit of adding of five years of notional service is not available to the optees of Special Voluntary Retirement Scheme. The respondent accepted the said condition and got himself relieved from the post on 31.03.2001.

4. Pertinently, the respondent has not challenged neither Circular No.237/2000 nor the order accepting the voluntary retirement application. He has now chosen to file a Writ Petition after a lapse of 13 years from the date of voluntary retirement. Thus, the Writ Petition is liable to be rejected on the ground of laches.

5. That apart, adding of five years of notional service would not arise in the case of the respondent since the conditions in the order of voluntary



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retirement itself stipulate that the respondent is not eligible to avail the said benefit of adding of five years of notional service under Regulation 29 of the Pension Regulations. Having accepted the said condition, now the respondent cannot turn around and claim that five years notional service is to be added along with the actual services rendered in the Bank. The claim of the respondent is not only stale, but the Writ Petition is liable to be rejected on the ground of laches. The learned Single Judge proceeded mainly on the basis that the benefit conferred by the Regulation cannot be taken away. Once the employee has voluntarily forgone the benefit under Regulation 29, he cannot again seek the same benefit, more specifically, after a lapse of 13 years from the date of his voluntary retirement.

6. In view of the above facts and circumstances, the order dated 21.11.2019 passed in W.P.(MD).No.17042 of 2013 is set aside and the Writ Appeal stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (A.D.M.C.,J.)
25.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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