



W.A.(MD) No.321 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2025

CORAM:

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

W.A.(MD) No.321 of 2019

S.Chockalingam

... Appellant

-VS-

- 1.Union Bank of India
rep.by its Chairman and
Managing Director
Union Bank Bhawan
239, Vidhan Bhavan Marg
Nariman Point
Mumbai-400 021
- 2.M/s.Indian Bank Association
represented by Chairman
World Trade Centre, 6th Floor
Centre I Building
World Trade Centre Complex
Cuffe Parade
Mumbai-400 005
- 3.M/s.All India Bank Officers
Confederation (AIBOC)
represented by its General Secretary
6th Floor, E Block, Samridhi Bhavan
1st Strand Road
Kolkata-700 001

... Respondents



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Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 03.12.2018, passed in W.P.(MD) No.23839 of 2018, on the file of this Court.

For Appellant : Mr.R.Ravi Kumar

For Respondents : Mr.N.Dilip Kumar
Standing Counsel for R1
No appearance for R2
R3 – Not ready notice

J U D G M E N T

[Judgment of the Court was made by S.M.SUBRAMANIAM, J.]

Under assail is the writ order dated 03.12.2018 passed in W.P. (MD) No.23839 of 2018.

2. The writ petitioner is the appellant before this Court. The writ proceedings have been instituted seeing a direction to the second respondent to issue suitable guidelines to the first respondent to follow the Union Bank of India (Employees) Pension Regulations, 1995, and to delink the concept of 33 years for full pension and render equitable justice for providing the benefit of Regulation 26(b) of the said Pension Regulations, 1995, to the appellant from



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February, 2006 by reworking his pension, as eligible full pension multiplied by 32 and divided by 33 (full pension x 32/33) and continue to pay the same with applicable dearness allowance increased from time to time along with 12% on the arrears of his pension.

3. The appellant herein served in the Indian Air Force for fifteen years. Admittedly, now, he is receiving defence pension from the Government of India. He joined in the first respondent – Bank under the ex-servicemen quota at the age of 33 years. It is not in dispute that the upper age limit fixed for appointment in the first respondent – Bank during the relevant point of time was 28 years. Though the appellant was overaged, he was appointed at the age of 33 years under the ex-servicemen quota. He was allowed to retire from service of the first respondent – Bank in the year 2006 as Senior Manager. He has rendered 27 years of service in the first respondent – Bank. The eligibility criteria for getting full pension under the Pension Regulations, 1995, is 33 years of qualifying service. Since the appellant has not completed the qualifying service period of 33 years, his pension was calculated for the actual service period of 27 years rendered by him in the first respondent – Bank.



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4. Mr.R.Ravi Kumar, learned counsel for the appellant, would mainly contend that the benefit of full pension is to be extended to the appellant under Regulation 26(b) of the Union Bank of India (Employees) Pension Regulations, 1995, applicable to the first respondent – Bank.

5. Mr.N.Dilip Kumar, learned Standing Counsel for the first respondent – Bank, would oppose by stating that the appellant, since receiving defence pension from the Government of India, is not entitled for reckoning the period of service rendered by him in the Indian Air Force as a qualifying period of service for grant of pension under the Union Bank of India (Employees) Pension Regulations, 1995.

6. Once the period of qualifying service is calculated for grant of defence pension, the very same period of service cannot once again be reckoned for grant of bank pension. It will result in unjust gain to the individual, since the employee is entitled to get pension for the period of qualifying service rendered by him in a particular establishment. No doubt, if the defence service period is not reckoned as a qualifying service period or the



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ex-serviceman is not eligible to draw defence pension on account of ineligibility under the Central Pension Rules, then those service may be reckoned, if the Pension Regulations of the respondent – Bank permits.

7. Let us now examine the Union Bank of India (Employees) Pension Regulations, 1995. Regulation 24 speaks about “Military Service”. As per Regulation 24, an employee, who has rendered military service before appointment in the bank, shall continue to draw the military pension, if any, and military service rendered by the employee shall not be counted as qualifying service for pension.

8. In view of Regulation 24, the appellant is not eligible for counting of his defence service for grant of bank pension. When there is an explicit bar for counting of the defence service for grant of bank pension under the Union Bank of India (Employees) Pension Regulations, 1995, the appellant is not entitled to avail the benefit under Regulation 26(b) of the Pension Regulations, 1995.



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9. Regulation 26(b) of the Union Bank of India (Employees)

Pension Regulations, 1995, reads as under:

“26. Addition to qualifying service in special circumstances – An employee shall be eligible to add to his service qualifying for superannuation pension (but not for any other class of pension) the actual period not exceeding one fourth of the length of his service of the actual period by which his age at the time of recruitment exceeded the upper age limit specified by the Bank for direct recruitment or a period of five years, whichever is less, if the service or post to which the employee is appointed is one -

(a) ...

(b) to which candidates of age exceeding the upper age limit specified for direct recruitment are normally recruited.”

10. The case of the appellant would not fall under Regulation 26 of the Union Bank of India (Employees) Pension Regulations, 1995, in view of the express bar contemplated under Regulation 24 of the Union Bank of India (Employees) Pension Regulations, 1995. It is not in dispute that the appellant is receiving defence pension for the service rendered by him in the Indian Air Force. Therefore, the said services are again cannot be reckoned as qualifying



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service period along with the bank service for the purpose of grant of full pension. Admittedly, the appellant was appointed under the ex-servicemen category at the age of 33 years, though the upper age limit for appointment in the first respondent – Bank was 28 years. That being the factum, we do not find any reason to interfere with the decision of the learned Single Judge dismissing the writ petition.

11. Accordingly, the writ order dated 03.12.2018, passed in W.P. (MD) No.23839 of 2018, is confirmed and this writ appeal stands dismissed. No costs.

[S.M.S., J.]

[A.D.M.C., J.]

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NCC : Yes / No

Index : Yes / No

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