



LPA No.1821 of 2025

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

LPA No.1821 of 2025(O&M)
Date of Decision :**August 26, 2025**

State Bank of India

.....Appellant

Vs

Dhanpat Singh(since deceased) through legal representatives and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present : Mr. Anil Kumar Ahuja, Advocate
for the appellant.

ROHIT KAPOOR, J.**CM-4441-LPA-2025**

1. The present application has been filed under Section 5 of Limitation Act seeking condonation of delay of 15 days in filing the appeal.
2. For the reasons stated in the application, the same is allowed and the delay of 15 days in filing the accompanying appeal is condoned.

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3. The appellant-bank has filed the present appeal being aggrieved from the judgment and order dated 24.02.2025, passed by learned Single Judge in CWP No.14543-2000, whereby the writ petition filed by respondent No.1-petitioner (since deceased and now represented by his legal heirs), has been allowed. The challenge in the writ petition was to the order



dated 14.02.2000, passed by the appellant-bank, wherein the claim of respondent No.1-petitioner (hereinafter referred to as the 'petitioner') for granting all pensionary benefits was rejected on the ground that he had not put in the minimum pensionable service of 10 years upto the age of 58 years.

4. Learned Single Judge while setting aside the said order directed the appellant to compute the pensionary benefits as admissible to the petitioner, within a period of two months from the date of receipt of the certified copy of the order and to release the same within two months thereafter alongwith interest @6% per annum from the date, it became due.

5. Shorn off unnecessary details, the brief facts that are required to be noticed are, that the petitioner was employed as a guard with the appellant bank on temporary basis on 14.12.1989 and was confirmed on the said post w.e.f. 14.06.1990. The date of birth of the petitioner was 05.05.1940 and accordingly he attained the age of 58 years on 05.05.1998. A policy decision was taken by the appellant bank to increase the age of superannuation from 58 to 60 years. In terms of the said policy, the petitioner was granted extension in service for a period of two years and he eventually superannuated on 31.05.2000, after attaining the age of 60 years. He applied for grant of pension for the period w.e.f. 14.12.1989 to 31.05.2000 but his request was declined by the appellant bank vide order dated 14.02.2000 on the ground that he has put only 07 years 10 months and 21 day of pensionable service upto the age of 58 years, and therefore he is not entitled for pension as per the Pension Fund Rules, which mandate that 10 years of service is required to be competed till the age of 58 years.



6. Learned Single Judge after considering the rival contentions and specific pleadings of the parties, allowed the petition in terms of its findings, which are extracted as under:-

“Having considered the entire material on record, I am of the opinion that undisputedly, the petitioner was appointed on 14.12.1989 followed by his confirmation on 14.06.1990. The specific pleading of the petitioner that he became a member of the pension fund from the date of his appointment remains undisputed. In such an eventuality, respondents cannot contend that clause 532 (a) would be applicable and the petitioner would be deemed to be a member of the fund from the date of confirmation. The said argument thus would be contrary to the pleadings made and thus cannot be accepted. The argument raised beyond pleading cannot be accepted and petitioner cannot be put to prove, what is not in dispute.

It is further noticed by this Court that even the issuance of Policy decision on 29.05.1998 is also not disputed. Notwithstanding the submission by the respondents that the petitioner was not eligible for such an extension, however, it remains undisputed that the petitioner actually availed the benefit of extension by two years of service and was eventually superannuated on attaining the age of 60 years i.e on 31.05.2000, hence at this stage, the respondents cannot be permitted to say that even though the petitioner was member of the service and worked with the respondents till the age of 60 years, however while computing the pensionable service, his service other than the service actually rendered would not be so counted and has to be computed till the age of 58 years.

In these circumstances, I find that the reasons given by the respondents while declining the pensionary benefits to the petitioner vide order/communication dated 14.02.2000 are not validly recorded and suffer from non-consideration of the above aspects.

Accordingly, the present petition is allowed and order dated 14.02.2000 is set aside. A direction is issued to the respondents to compute the pensionary benefits as admissible to the petitioner within a period of two months from the date of receipt of certified copy of the order and release the same within two months thereafter along with interest @ 6% per annum from the date, it became due.”



7. Learned counsel appearing on behalf of the appellant bank has argued that the order passed by the learned Single Judge cannot be sustained on the ground that the writ Court while exercising its jurisdiction of judicial review under Article 226 of the Constitution of India cannot direct payment of pension de hors the applicable pension rules. It is further argued that the learned Single Judge while passing the impugned order did not correctly appreciate the fact, that the period of service prior to the confirmation of an employee cannot be reckoned as service for the purpose of pension in terms of Rule 7 of the State Bank of India Employees' Pension Fund Rules (*hereinafter referred to as the 'Pension Rules'*), as applicable at the relevant time, and therefore the claim of the petitioner for grant of pension was rightly rejected since he had not completed 10 years of service at the time of attaining the age of 58 years. He further argued that even if the service period of the petitioner were to be counted from 14.06.1990, i.e. the date of confirmation of petitioner upto 31.05.2000, the date on which he superannuated, he had put in 09 years 11 months and 17 days in service and was therefore not entitled for the pensionary benefits. Reference is also made to un-amended Rule 8 of the Pension Rules, as stated to be in vogue at the time of initial appointment of the petitioner, to contend that he was above the age of 38 years at that time of initial appointment and was thus not eligible to become a member of the pension fund.

8. Learned counsel for the appellant bank further contends that even if it were to be taken that the petitioner was admitted to membership of the pension fund before his confirmation, the same would not confer any



legally enforceable right on him, as such benefit given erroneously, will not operate over and above the applicable rules, and therefore the employer was well within its right to withdraw or cancel such benefit. Reliance has been placed on a judgment passed by the High Court of Himachal Pradesh in the case of “**Gulel Ram vs. State Bank of India and others, 2006 (2) LLJ 38**” which was followed by a Single Bench of this Court in the case titled as “**Inderjeet Malhotra vs. State Bank of Patiala and another**”, passed in CWP-17055-2010, decided on 14.07.2014, in support of the aforesaid contentions.

9. We have heard learned counsel for the appellant and have gone through the material available on record, with his able assistance.

10. The bone of contention is regarding the eligibility of the petitioner, to receive pensionary benefits.

11. Since the primary contention of the appellant bank, as raised before us is that the pensionary benefit could not have been granted de hors the applicable rules, it is imperative to examine the relevant rules as amended from time to time, which are extracted as under:-

Rules prior to 1997

“Rule 2: Unless there is anything repugnant in the subject or context ‘Member’ means any person in the service of the bank who has been admitted to the membership of the fund.

xxx

xxx

xxx

Rule 7: "Every permanent employee (including a permanent part time employee who is required by the Bank to work for more than 6 hours a week) in the service of the Bank who is entitled to the pension benefits under the terms and conditions of his service shall become a member to the fund from-



(a) the date from which he is confirmed in service of the Bank;
or

(b) the date from which he may be required to become a member of the fund under the terms and conditions of his service.

Rule 8:

"Save as otherwise provided in Rule 25, no employee shall be eligible to become a member of the fund -

- (a) xxx
- (b) xxx
- (c) if he is over 38 years of age; or
- (d) xxx

Rule 20: Save as otherwise provided in Rule 21, service rendered by an employee before the date of his admission to the fund and after the date of completion by him of 58 years of age shall not be reckoned as service for pension, provided that if on the date of completion of the age of 58 years the employee has to his credit any ordinary or privileged leave the period of such leave shall be reckoned as service for pension to such extent of the leave as is availed of or to such extent of the leave for which service is rendered.

Rule 22(i) (a):

"A member shall be entitled to a pension under these rules on retiring from Bank's service:-

- (a) After having completed twenty years' pensionable service provided that he has attained the age of fifty years;"

Rules as amended on 05.04.1997

"Rule 8: Save as otherwise provided in Rule 25, no employee shall be eligible to become a member of the fund on or after 01.11.1993

- (a) xxx
- (b) xxx
- (c) if he is over 48 years of age; or
- (d) xxx
- (e) xxx
- (f) xxx

**Rule 20:**

“Save as provided in rule 21, with effect from 01.11.93, service rendered by an employee/member from the date of his admission to the fund upto the date of retirement in terms of rule 22 infra from Bank's service shall be reckoned as service for pension”

Rule 22(i)(a):

“(i) A member shall be entitled to a pension under these rules on retiring from Bank's service.

(a) After having completed twenty years' pensionable service provided that he has attained the age of fifty years or if he is in the service of the Bank on or after 01.11.93, after having completed ten years pensionable service provided that he has attained the age of fifty eight years.”

Amendments made on 31.03.2001

“ xxx xxx xxx

2. *In rule 8 of the State Bank of India Employees' Pension Fund Rules (hereinafter called as principal rules),*

(a) in the opening paragraph, for the words and figures “on or after 01.11.1993” the words and figures “on or after 22.5.1998” shall be substituted.

(b) in Clause (c), for figures “48”, the figures “50” shall be substituted.

In rule 22 of the principal rules, in sub-rule (i), in clause (a), after the words “fifty eight years” following shall be inserted, namely:

“or if he is in the service of the Bank on or after 22nd May, 1998, after having completed 10 years pensionable service provided that he has attained the age of sixty years.”

Explanatory Memorandum

1. *The central Government has accorded approval for increasing the age of admission to the Pension Fund. Accordingly, the State Bank of India Employees' Pension Fund Rules are amended.*

2. *It is certified that no employee/pensioner of the State Bank of India is likely to be affected adversely by the notification being given retrospective effect.”*



12. Undisputedly, the age of retirement was increased from 58 to 60 years and corresponding amendments made in the rules would show that the intent was to grant the benefit of pension to those employees, who have completed 10 years of pensionable service till the age of retirement. The rules have to be read together harmoniously, to give a proper construction to the object of the scheme, for grant of pension. It is clear that the vested right of an employee to receive pension after putting in requisite number of years stems from Rule 22 (i) (a), which clearly stipulates that a member shall be entitled to pension on retiring from the bank's service, if he is in the service of the bank on or after 01.11.1993, after having completed 10 years of pensionable service, provided that he has attained the age of 58 years. The amendment in Rule 20 is also relevant, since it requires that the service rendered by an employee/member from the date of his admission to the fund, till the date of retirement from the bank service is to be reckoned as service for pension. Reading both the provisions together, it had to be seen that whether the petitioner had put in 10 years of service from the date of his admission to the fund, till the date of his retirement and whether he had completed the age of 58 years, to be entitled to receive pension.

13. As observed by the learned Single Judge, the categorical averment of the petitioner that he became a member of the pension fund from the date of his initial appointment, i.e., 14.12.1989, was not specifically denied by the appellant bank in their pleadings. The combined reading of Rule 2 and amended Rules 20 and 22 (i) (a), would lead to the undisputed conclusion that an employee who was in service on 01.11.1993;



was a member of the fund, had completed 10 years of pensionable service till the date of retirement, and had attained the age of 58 years, would be entitled for pension. The petitioner fulfilled all these conditions. The arguments of the learned counsel for the appellant that the pensionable service had to be counted from the date of confirmation to the age of 58 years, cannot be accepted once the specific pleadings regarding the factum of the petitioner being a member of the fund from the date of his initial appointment were not controverted and Rules 20 and 22 (i) (a) stood amended. The objection regarding him being disqualified under the unamended clause 8 of the Pension Rules, is equally without merit, once the factum of membership of the petitioner is not disputed. As discussed above, the provisions of the Pension Rules have to be read harmoniously and the vested right of the petitioner to receive pension under Rule 22 (i) (a) cannot be defeated by reading any rule in isolation. Further the only ground of rejection of the petitioner's claim was that he has not completed 10 years of pensionable service and no other objection was taken qua his eligibility to become a member.

14. The judgements in '**Gulel Ram**' & '**Inderjeet Malhotra's cases, supra**', are distinguishable, especially since the amended provisions of Rules 20 and 22 (i)(a), were never under consideration, in the said matters.

15. We are therefore of the considered opinion that once the status of the petitioner as a member of the pension fund from the date of his initial appointment was not disputed and he was allowed extension of service from the age of 58 to 60 years, the appellant bank cannot be permitted to withhold



the retiral benefits of the petitioner. Such action would be against equity as well as the very object of the beneficial scheme regarding grant of pension.

16. In view of the aforesaid discussion, we do not find any ground to interfere with the judgment and order dated 24.02.2025 passed by the learned Single Judge. Accordingly, the present Letters Patent Appeal is dismissed.

17. Pending application(s), if any, shall stand disposed of accordingly.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

August 26, 2025

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Whether speaking/reasoned. : Yes
Whether Reportable. : No