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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 328/2017

S S BANKERS ASSOCATION AND ANR .....Petitioners
Through: Ms. Ranu Purohit and Mr. Yashas RK Advs.

versus

UNION OF INDIA AND ORS .....Respondents
Through: Mr. H. S. Parihar, Mr. Kuldeep Singh Parihar and Ms. Ikshita Parihar for R2.
Mr. H.S. Parihar, Mr. Kuldeep S. Parihar, Ms. Ikshita Parihar, Advs for R3.
Mr. Aditya Kumar & Ms. Ila Nath for R5.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

% **13.11.2025**

C. HARI SHANKAR, J.

1. The prayer in this writ petition, instituted by retired employees of various banks, was for a direction to the banks to extend, to the petitioners, the benefit of Regulation 26 of the Bank Employees Pension Regulations, 1995[1].

2. During the pendency of this writ petition, it appears that all

[1] "BEPR" hereinafter

banks, except the Bank of India[2], have worked out the pensionary benefits of the petitioners in the writ petition to their satisfaction. Ms. Ranu Purohit, learned Counsel for the petitioners' submits, therefore, that the dispute survives only with respect to certain petitioners who were ex-employees of the BOI. Even in respect of the said petitioners, the BOI has, in its counter-affidavit, identified 13 petitioners who would be entitled to benefit under Regulation 26. The details of these petitioners have been provided from para 11 onwards in the counter-affidavit filed by the BOI. Ms. Purohit does not dispute these facts and submits that the controversy survives only with respect to the following 13 petitioners:

S. No.	S. No. as per Annexure P-1	Name of the Employee	Addition to qualifying service as per the 2nd category under Regulation 26	Total qualifying years of service
1.	14	Capt. Aniruddha Bagaitkar	4 years and 7 days	31 years
2.	30	Major Mukesh Kumar Yadav	1 year, 7 months and 25 days	30 years
3.	39	Captain Aurobindo Bagchi	3 years, 10 months and 14 days	30 years
4.	46	Captain Shri Shivaji Ghose	11 months and 3 days	30 years
5.	53	Major Samir Vishwakarma	1 year, 10 months and 23 days	30 years
6.	76	Captain Amarjeet Singh Serah	3 years, 1 month and 23 days	30 years
7.	80	Captain Amarjeet Singh	3 years, 8 months and 22 days	30 years
8.	92	Captain S.K. Rawat	2 years, 5 months and 29 days	30 years
9.	112	Captain Ashok Datta	1 year, 10 months and 27 days	30 years
10.	121	Captain Rahul	1 year, 8 months and	31 years

[2] "BOI" hereinafter

		Kaistha	6 days	
11.	132	Captain Virender Minhas	1 year, 4 months and 25 days	30 years
12.	51	Captain A.V.C. Menon	4 years, 3 months and 8 days	30 years
13.	59	Captain Sharat Chandra Singh	4 years, 9 months and 16 days	31 years

The above tabular statement was provided by Mr Aditya Kumar, learned Counsel for the BOI, and Ms. Purohit expresses her agreement therewith.

3. Despite the arguments in this case having been extremely involved, at the end of the day, the dispute seems to have percolated down to the manner in which the BOI has applied Regulation 26 in the case of the aforenoted 13 petitioners.

4. We may note that confusion always arise in such cases when instead of petitioners individually filing petitions or joining in a petition, an association files a petition. Various members of the association would have various service particulars and all get conflated in one petition, resulting in utter chaos.

5. Mercifully, the dispute in this case now survives only with respect to the aforenoted 13 petitioners.

6. We deem it appropriate to set out the exact manner in which the BEPR would apply and leave it to the parties thereafter to work out whether the pensionary benefits are given to them as per our decision.

7. Needless to say, should any additional pensionary benefits become payable to the petitioners as a consequence of our decision, they would be paid in accordance with the directions contained herein.

8. The relevant Regulations, in the BEPR, read thus:

> "2. **Definitions**: In these regulations, unless the context otherwise requires;
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> (a) "Act" means the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970);
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> *****
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> (t) "Pension" includes the basic pension and additional pension referred to in Chapter VI of these regulations;
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> *****
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> (w) "Qualifying service" means the service rendered while on duty or otherwise which shall be taken into account for the purpose of pension under these regulations;
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> *****
>
> (za) "Service regulations" means (Officer's) Service Regulations, 1979 made under section 19 of the Act;
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> *****
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> 15. **Commencement of qualifying service:-**
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> Subject to the provisions contained in these regulations, qualifying service of an employee shall commence from the date he takes charge of the post to which he is first appointed on a permanent basis.
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> 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 or 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) for which post graduate research, or specialist qualification or experience in scientific, technological, or professional fields is essential and

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

(c) for which the candidate was given age relaxation over and above the maximum age limit fixed by the Bank on account of his possessing higher qualifications or experience: Provided that this concession shall not be admissible to an employee unless his actual qualifying service at the time he quits the service in the Bank is not less than ten years: Provided further that this concession shall be admissible if the recruitment rules in respect of the said service or post contain specific provision that the service or post is one which carries benefit of this regulation: Provided also that the recruitment rules in respect of any service or post which carries the benefit of this regulation shall be made with the approval of the Central Government.

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28. **Superannuation pension:-**

Superannuation pension shall be granted to an employee who has retired on his attaining the age of superannuation specified in the Service Regulations or Settlements.

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35. **Amount of Pension:-**

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(2) In the case of an employee retiring in accordance with the

> provisions of the Service Regulations or Settlement after completing a qualifying service of not less than thirty three years the amount of basic pension shall be calculated at fifty per cent of the average emoluments.
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> *****
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> (6) (a) In the case of an employee retiring before completing a qualifying service of thirty-three years, but after completing a qualifying service of ten years, the amount of pension shall be proportionate to the amount of pension admissible under sub-regulations (2) and (3) and in no case the amount of pension shall be less than the amount of minimum pension specified in these regulations."

9. When one goes through the afore-extracted regulations, the position that emerges is as under:

(i) Regulations 35(2) and 35(6)(a) set out the manner in which pension is to be computed. Regulation 35(2) applies where the employee has to his credit a qualifying service of not less than 33 years. Regulation 35(6)(a) applies where the employee has to his credit qualifying service of less than 33 years.

(ii) In case the employee has, to his credit, qualifying service of 33 years or more, as per Regulation 35(2), the pension payable would be 50% of the average emoluments. In view of the definition of "average emoluments" in Regulation 2(d), the employee would be entitled to 50% of the average emoluments earned by him over the last 10 months prior to his superannuation.

(iii) In case the employee has, to his credit, qualifying service of less than 33 years at the time of his superannuation, the employee would be entitled, as per Regulation 35(6)(a), to proportionate pension. In other words, if, for example, the employee has to his credit, 30 years of qualifying service prior to superannuation, the pension would be computed as the employee would be entitled to 30/33 of the pension which would be payable under Regulation 35(2).

(iv) Qualifying service is defined, in Regulation 2(w) as the service rendered on duty. This obviously means that the qualifying service would be the service from the date when the employee joins duty with the bank till the date when the employee superannuates.

(v) Regulation 14, which deals with qualifying service, requires an employee, in order to qualify for pension, to have rendered at least 10 years of service with the bank. There is no dispute that each of the petitioners in the present case satisfies this requirement.

(vi) Regulation 26 deals with addition to qualifying service in certain circumstances, and applies to the persons who are appointed to a post which falls within Clauses (a) to (c) of the said regulation. There is no dispute that the petitioners are covered by these clauses.

(vii) Employees who are covered by Regulation 26 are entitled to add, to the qualifying service rendered by them in the Bank as defined in Regulation 2(w), i.e. to the service rendered between the date of joining and the date of superannuation, certain additional years.

(viii) The additional service which the employee would be entitled to add is stipulated as

(a) one-fourth of the length of his service, or

(b) the actual period by which the age of the employee at the time of recruitment exceeds the upper age limit specified by the bank for direct recruitment, or

(c) five years,

whichever is less. In other words, the addition to qualifying service would be the least of these three figures.

(ix) Learned Counsel for the parties are *ad idem* that the addition to qualifying service, to which the petitioners would be entitled as per Regulation 26(1), would be as reflected in the table extracted *supra.* As such by virtue of Regulation 26, the petitioners would be entitled to add, to their qualifying years of service as reckoned under Regulation 2(w), the additional years of service stipulated in the Table *supra*.

(x) For this purpose, the word "recruitment" has necessarily to be treated as the date on which the person joined service. This would also be required in order to harmonise Regulation 20 with Regulation 2(w), as "qualifying service" is also defined in Regulation 2(w) as the period of service between the date of joining duty and the date of superannuation. This is also clarified by Regulation 15 of the BEPR which clearly states that qualifying service of the employee would commence from the date he takes charge of the post.

(xi) Thus, the petitioners would be entitled to add, to the actual qualifying service rendered by them between the dates when they joined the services of the Bank and the dates they superannuated, the additional qualifying service stipulated in the Table extracted *supra.*

(xii) If, by such addition, the qualifying service of any particular petitioner exceeds 33 years, the pension of that petitioner would be payable in accordance with Regulation 35(2). In case the qualifying service works out to less than 33 years, the pension would be payable in accordance with Regulation 35 (6)(a).

10. We have thus clarified the manner in which the pension would be liable to be computed for the petitioners.

11. In case, by such computation, any of the petitioners had been short paid, arrears would be paid to them within four weeks from today.

12. The writ petition stands disposed of in the aforesaid terms.

C. HARI SHANKAR, J

OM PRAKASH SHUKLA, J

NOVEMBER 13, 2025/AR/AT