2026:PHHC:039068

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

108

CWP-7598-2026 (O&M)
Date of decision: 13.03.2026

Rajender Kumar

....Petitioner

Versus

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Veena Hooda, Advocate
for the petitioner.

Mr. Saurav Verma, Advocate
with Ms. Preeti Grover, Advocate
for the respondents.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of mandamus, directing the respondents to release the pension as well as other consequential benefits like provident fund, gratuity and leave encashment to the petitioner along with interest from the date the same became due till its actual payment. Further prayer has been made to direct respondents No.4 and 5 to implement and comply with the Notification dated 28.06.2024 (Annexure P-7) issued by respondent No.3 in consultation with respondent No.2 and extend the consequential pensionary and retiral benefits to the petitioner in accordance therewith.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was initially appointed in the year 1983. His services were

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regularized in the year 1987. The petitioner was, thereafter, removed from service vide order dated 26.09.2013 pursuant to a charge-sheet dated 05.03.2013. Learned counsel for the petitioner further submits that the petitioner had challenged the said removal order by filing CWP-14019-2015 before this Court, however, the said writ petition was dismissed vide order dated 30.04.2018. A Review Application bearing No. 140 of 2018 filed by the petitioner against the said judgment is stated to be pending consideration for 02.07.2026. Subsequently, in compliance with the directions issued by the Hon'ble Supreme Court in a contempt petition, respondent No.3 issued a Notification dated 28.06.2024. Vide the said Notification, Regulation 22(1) of the Pension Regulations was amended to stipulate that removal from service shall not entail forfeiture of the entire past service and the employee concerned shall qualify for pensionary benefits. She further contends that relying upon the aforesaid amendment as well as the compliance affidavit (Annexure P-6) filed by respondent No.1 before the Hon'ble Supreme Court, the petitioner submitted a representation dated 15.07.2025 (Annexure P-4) requesting the respondents to release the pensionary benefits to him in terms of the amended provisions. However, the said claim of the petitioner was rejected by the respondents vide order dated 01.08.2025 (Annexure P-5) on the ground that the case of the petitioner is governed by the Sarva Haryana Gramin Bank Pension Regulations, 2018 and not by the regulations referred to by the petitioner in his representation. Learned counsel for the petitioner

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further contends that the Reserve Bank of India (RBI), being the apex regulatory authority, issues directions which are binding on all the banks under its supervision and any decision taken by the RBI, by virtue of its authority, is directly applicable to all such banks. Further, the affidavit has been filed by Union of India before the Hon'ble Supreme Court to the effect that all Regional Rural Banks and all nationalized banks will have partially complied with the directions issued by the Hon'ble Supreme Court.

3. *Per contra*, learned counsel for the respondents submits that the petitioner cannot be allowed to re-agitate his claim by filing the present writ petition as his earlier writ petition bearing CWP-14019-2015 vide order dated 30.04.2018 and thus, the present petition is barred by the principle of constructive *res judicata*. Further, Sarva Haryana Gramin Bank was created after merging several Regional Rural Banks and as such, the services of the petitioner prior to his removal on 26.09.2013 are governed by Sarva Haryana Gramin Bank Pension Regulations, 2018. Moreover, any instructions regarding pensionary benefits has to be examined strictly in accordance with the applicable regulations and the same has been duly conveyed to the petitioner on 01.08.2025 (Annexure P-5). Further, without laying challenge to the vires of the Sarva Haryana Gramin Bank Pension Regulations, 2018, no relief can be granted to the petitioner.

4. I have heard learned counsel for the parties and perused the record with their able assistance.

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5. It is apparent from the record that the petitioner was issued a charge-sheet dated 05.03.2013, and consequent to the findings thereon, he was removed from service vide order dated 26.09.2013. The petitioner challenged his removal by filing CWP-14019-2015 before this Court, which was dismissed vide order dated 30.04.2018. Thereafter, the petitioner filed a Review Application No.140 of 2018, which is still pending consideration. The petitioner's reliance, at this stage, on the affidavit of respondent No.1 filed before the Hon'ble Supreme Court as well as the subsequent Notification dated 28.06.2024, would be premature. No amendment has been made by the respondent bank to the Sarva Haryana Gramin Bank Pension Regulations, 2018 so as to provide for pensionary benefits to an employee removed from service prior to the merger. As such, there is no provision to grant pensionary or other retiral benefits to the petitioner in the event of removal from service. In the absence of any amendment to the service regulations and without challenging the vires of the Sarva Haryana Gramin Bank Pension Regulations, 2018, the petitioner cannot claim any pensionary or other retiral benefits.

6. Consequently, finding no merit in the arguments advanced by learned counsel for the petitioner, the writ petition is dismissed.

(HARPREET SINGH BRAR)
JUDGE

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

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