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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 13426/2019 & CM APPL. 70298/2024**
HARI OM SHARMAPetitioner

Through: Mr. Piyush Sharma, Mr. Anuj Kumar
Sharma & Mr. Aditya Dikshit,
Advocates with Petitioner in person.

versus

BANK OF BARODA (THROUGH ITS EXECUTIVE DIRECTOR)
& ORSRespondents

Through: Mr. Arun Aggarwal, Mr. Lovelesh
Kukreja & Mr. Anmol Gupta,
Advocates for R-1 to R-3.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
29.01.2026

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1. The Petitioner joined the services of the Respondent Bank on 14th December, 1977. During his service, criminal proceedings were initiated against him by the Central Bureau of Investigation, which remain pending. Thereafter, the Respondent issued a memorandum/charge sheet dated 16th April, 2016. A departmental enquiry was conducted in which the charges were held proved, and by order dated 3rd May, 2017 the disciplinary authority imposed the penalty of compulsory retirement.
2. The present writ petition does not assail the order of compulsory retirement. The Petitioner's grievance is confined to communications dated 10th October, 2018 and 18th January, 2019 whereby the Respondent Bank



reduced the Petitioner's pension by one-third.

3. It is also noted that this is the second round of litigation initiated by the Petitioner on the issue of pension. In the earlier proceedings, being W.P.(C) 8062/2019, this Court by order dated 26th July, 2019, directed the Respondent Bank to decide the Petitioner's representation dated 19th June, 2019. The representation was rejected by communication dated 22nd August, 2019, reiterating the decision to reduce the pension, which rejection is also impugned herein.

4. The record indicates that the reduction in pension is founded on a Board Resolution dated 13th September, 2017 approving payment of compulsory retirement pension at the reduced rate. However, it is the Petitioner's case that he became aware of the said Resolution only on 8 July 2022 upon its disclosure in the Respondents' status report. Accordingly, the Petitioner has filed an application, being CM APPL. 70298/2024, seeking amendment of the petition to challenge the aforesaid Resolution and to introduce a ground of violation of principles of natural justice, by placing reliance on *Anil Malhotra v. Bank of Baroda & Ors.*, in W.P.(C) 904/2021 decided on 8th December 2022.

5. Relying on *Anil Malhotra.*, it is argued that the impugned communications are vitiated for violation of principles of natural justice, as no opportunity of hearing was afforded before the decision to reduce pension was taken. It is argued that even though Regulation 33 of the 1995 Regulations does not expressly prescribe a procedure, this Court in *Anil Malhotra* held that the principles of natural justice must be read into the provision and that the affected employee must be informed of the proposed action and reasons before any part of the pension is withheld. Basis this, the



Board Resolution dated 13th September, 2017 is liable to be set aside.

6. On merits, it is submitted that the criminal proceedings against the Petitioner are still pending and, in the absence of any final adjudication, there was no justification for reduction of pension. Further, it is argued that although the Petitioner's representation was decided pursuant to the directions issued by this Court in W.P.(C) 8062/2019, the decision was not taken by the competent authority. As per the regulations, the Board itself was required to consider the matter after affording an opportunity of hearing. The rejection dated 22nd August 2019 is therefore legally unsustainable. As regards the objection of delay and laches, it is submitted that the issue concerns a continuing wrong relating to retiral benefits and the Supreme Court has consistently adopted a liberal approach in such cases.

7. Counsel for the Respondent, on the other hand, submits that the Petitioner was aware of the Board Resolution of 2017 and cannot now be permitted to challenge it after considerable delay. Further, the Petitioner was afforded adequate opportunity pursuant to the earlier directions of this Court and that the competent authority passed a reasoned order dated 22nd August, 2019, which warrants no interference.

8. The Court has considered the aforementioned contentions. The writ petition was instituted in 2019 and has remained pending since then. In 2024, the Petitioner seeks amendment of the petition to challenge the Board Resolution dated 13th September, 2017 and to introduce an additional ground founded on the principles of natural justice, relying on the decision in *Anil Malhotra*.

9. In the opinion of the Court, the reliance on *Anil Malhotra* does not advance the Petitioner's case in the present facts. When the Petitioner



approached this Court in the earlier round of litigation, the Court did not adjudicate the merits but directed the Respondent Bank to consider the Petitioner's representation and granted liberty to challenge the outcome. Pursuant to those directions, the representation was considered and rejected by communication dated 22nd August, 2019. The essence of the directions was to afford the Petitioner an opportunity to place his case before the authority. The contention that such consideration necessarily required placement before the Board stretches the requirement of natural justice beyond its intended scope. At this stage, a belated challenge to the Board Resolution on that ground cannot be permitted to reopen the matter.

10. The remaining question concerns the legality of the reduction of pension. In this context, it is noted that when the matter was sent back by this Court *vide* dated 26th July, 2019, it was expected that the Respondent Bank would apply its mind to the Petitioner's representation and pass a reasoned decision in accordance with law. However, the communication dated 22nd August, 2019 does not disclose any such application of mind. It merely makes a reference to Regulations 33 and 47, without explaining how those provisions were attracted to the facts of the present case or how they justified the reduction of the Petitioner's pension.

11. On this ground alone, the matter requires reconsideration by the Respondent through a reasoned and speaking order.

12. Since the issue must be re-examined, the fresh decision shall be taken by the competent authority under the applicable Regulations. The petition is accordingly disposed of with the following directions:

(i) The Petitioner may, if so advised, submit a supplementary representation within two weeks from today.



(ii) Upon receipt thereof, the Respondent shall afford the Petitioner an opportunity of hearing and take a decision in accordance with law.

(iii) The Respondent shall pass a reasoned and speaking order and communicate the same to the Petitioner.

13. It is clarified that this Court has expressed no opinion on the merits of the dispute.

14. With the above directions, the present petition is disposed of.

SANJEEV NARULA, J

JANUARY 29, 2026/hc