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

\+ W.P.(C) 9500/2018 & CM APPL. 4032/2025

SMT. SNEH AGGARWAL .....Petitioner

Through: Mr. Anuj P. Agarwala, Ms. Mukti Heliwal and Mr. Vipul Singh, Advocates.

versus

PUNJAB NATIONAL BANK AND ANR. .....Respondents

Through: Mr. Rajat Arora, Mr. Niraj Kumar and Mr. Sourabh Mahla, Advocates.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

<u>O R D E R</u>

% 20.01.2026

1. This writ petition seeks a direction to Respondent No. 1/Punjab National Bank to fix the Petitioner's pension and to release suspension/subsistence allowance along with interest. The Petitioner further seeks quashing of the letters dated 3rd July, 2017 and 27th October, 2017 issued by the Respondent Bank, rejecting her claim for subsistence allowance, as well as the order dated 17th May, 2017 passed by the Assistant Labour Commissioner (Central), pertaining to the non-release of her pension by the Respondent Bank.

2. The factual background relevant for adjudication of this petition is as follows: The Petitioner was appointed as Clerk-cum-Cashier with the Respondent Bank on 15th September, 1978 and was posted as an Advanced Level Punching Machine Operator in the year 1990. Departmental

proceedings culminated in an order dated 11th August, 1995 imposing the penalty of dismissal from service. The disciplinary action travelled through multiple rounds before the Central Government Industrial Tribunal and thereafter before this Court. At one stage, in W.P.(C) No. 4852/2014, the penalty was modified to compulsory retirement. However, in the cross appeals (LPA Nos. 303/2023 and 182/2023), the Division Bench, by judgment dated 26th July, 2023, restored the original punishment. The Petitioner's challenge to the Division Bench judgment was rejected by the Supreme Court on 24th November, 2023 and the review was dismissed on 23rd October, 2024. The legal position between the parties on the question of status of service, therefore, stands concluded. The Petitioner is to be treated as having been dismissed from service with effect from 11th August, 1995.

3. The present petition was instituted during the pendency of the above proceedings, seeking the following reliefs:

> *"(i) Issue a writ of certiorari, order or direction quashing the order dated 17.05.2017 passed by Ld. Additional Chief Labour Commissioner, (Central), New Delhi and letter dated 03.07.2017 and 27.10.2017 sent by Respondent Bank,*
>
> *(ii) Direct the Respondent Bank to pay suspension allowance with interest.*
>
> *(iii) Direct the Respondent bank to fix the Pension of the Petitioner."*

4. It now falls to be decided on the footing of the final outcome, namely, dismissal from service. Upon a pointed query from this Court, counsel for the Petitioner is unable to identify any regulation, rule, or statutory provision which confers a right to pension upon an employee visited with the penalty of dismissal. The submission is that, in the absence of an express prohibition, pension ought to be directed on equitable and other considerations. The premise is incorrect.

5. The submission that pension ought nevertheless to be granted because there is no “express embargo” cannot be accepted. Pension is not a free-standing equitable entitlement. It is a statutory or rule-based benefit, and a writ of mandamus can be issued only where the claimant demonstrates an enforceable legal right under the governing framework. The Punjab National Bank (Employees’) Pension Regulations, 1995 were published in the Official Gazette on 29th September, 1995, and came into force on that date. The Regulations themselves, however, expressly deal with service events preceding the notified date by specifying the classes of employees to whom they apply, including those who were in service on or after 1st November, 1993 and retired before the notified date. The Petitioner’s dismissal on 11th August, 1995 therefore does not create any supposed “interregnum” in which pension can be claimed dehors the Regulations. Once the pension regime is traceable to the 1995 Regulations, the entitlement must stand or fall strictly within that framework.

6. Moreover, Regulation 22 places the position beyond doubt. It declares that “resignation or dismissal or removal or termination of an employee from the service of the Bank shall entail forfeiture of his entire past service” and that “consequently shall not qualify for pensionary benefits.” The Petitioner’s status, after successive rounds of litigation culminating in dismissal of the challenge before the Supreme Court and dismissal of review, is that of dismissal from service. In the face of Regulation 22, a direction to “fix pension” would amount to conferring a benefit expressly withheld by the governing Regulations, which is impermissible in writ jurisdiction.

7. The only statutory window preserved by the Regulations for a

dismissed employee is Regulation 31, which permits, in a case "deserving of special consideration", the grant of a compassionate allowance not exceeding two-thirds of the pension or gratuity which would have been admissible, and even that is left to the satisfaction of the competent authority. The Petitioner has not founded the present writ on Regulation 31, nor has any material been placed to demonstrate a case of the kind contemplated thereunder.

8. Further, the contention that the Pension Regulations came into force subsequent to the Petitioner's dismissal is also of no avail. Independently of the statutory framework, the dismissal order itself does not envisage any post-dismissal monetary entitlement, except subsistence allowance for the period of suspension. The said order has attained finality after having been upheld through successive rounds of litigation, culminating before the Supreme Court. In these circumstances, the claim for pension is misconceived and is accordingly rejected.

9. As regards the claim for subsistence allowance, the Respondent Bank has categorically stated that the subsistence allowance payable to the Petitioner for the period of suspension, in terms of the dismissal order, already stands disbursed. The Petitioner has not placed on record any contemporaneous correspondence, computation, pay slips, or bank statements to demonstrate either non-payment or short-payment of subsistence allowance for the suspension period. Nor has any quantification been set out to enable this Court to even identify the alleged deficit.

10. What is in substance sought is not subsistence allowance simpliciter, but arrears of subsistence allowance on account of a subsequent wage revision under the 6th Bipartite Settlement, which came into effect from 1st

November, 1992. The Bank relies on the IBA circular dated 5th October, 1989 to submit that where suspension precedes a salary revision, enhancement or arrears in subsistence allowance do not accrue unless the suspension period is treated as duty. The Petitioner has not shown that the suspension period was ever directed to be treated as duty, or that any competent authority had taken a decision entitling her to such arrears.

11. Even otherwise, the claim was raised before this Court for the first time only in the year 2017 in respect of an alleged shortfall pertaining to the period 1992-1995. A monetary claim of this vintage, sought to be agitated after more than two decades, is barred by delay and laches and cannot be entertained in writ jurisdiction, particularly when it turns on disputed questions of fact and accounting. In the absence of credible proof of non-payment or short payment, and having regard to the unexplained and inordinate delay, no mandamus can be issued for release of any further subsistence allowance or interest.

12. Accordingly, the petition is dismissed along with pending application.

SANJEEV NARULA, J

JANUARY 20, 2026

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