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

\+ W.P.(C) 7069/2017 & CM APPLs. 41456/2021, 31447/2023, 8696/2024, 75169/2024, 19920/2025, 11258-11259/2026

GURBACHAN SINGH CHHATWAL .....Petitioner

Through: *Appearance not given.*

versus

PUNJAB & SIND BANK .....Respondent

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

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **18.02.2026**

1. This writ petition seeks a direction to Punjab & Sind Bank/Respondent No. 1 for payment of full pension and arrears thereof to the Petitioner, together with the full amount of gratuity along with interest from the date of his retirement. The petition further assails letters dated 1st July, 2011 and 29th January, 2014 whereby the Petitioner was denied payment of gratuity and was restricted to minimum pension, respectively.

2. During the pendency of the present proceedings, the Petitioner deceased. The writ petition is now being prosecuted by his wife, Smt. Davinder Kaur, who has been brought on record as his legal representative.

3. The factual matrix necessary for adjudication of the present petition is that the Petitioner was serving as a Branch Manager with the Respondent Bank at its Branch Office in Sangha, District Bhatinda, Punjab. During his tenure at the said branch, between February and May 1987, certain advances were sanctioned by him, which subsequently turned into Non-Performing Assets. In connection therewith, an FIR came to be registered by the

Respondent Bank, which was investigated by the CBI in RC No. 1/90. Apart from the criminal investigation, departmental proceedings were also initiated against the Petitioner and a chargesheet was issued to him.

4. According to the Petitioner, he was issued a chargesheet in the year 1989 culminating in an order of punishment passed by the Disciplinary Authority whereby six increments were reduced and his promotion was withheld for a period of three years. It is asserted that as a consequence thereof, his salary stood reduced by Rs. 500/- per increment, aggregating to Rs. 3,000/- per month.

5. The FIR bearing RC No. 1/90 was thereafter put to trial and, by judgment dated 12th February, 1997, rendered by the CBI Court, the Petitioner was convicted under Section 420/120 of the Indian Penal Code, 1860 read with Section 5(1) and 5 (i)(d) of the Prevention of Corruption Act, 1988.

6. Simultaneously, departmental action was undertaken against the Petitioner, culminating in the Disciplinary Authority imposing the major penalty of "compulsory retirement" in terms of Regulation 4(h) of the Punjab and Sind Bank Officer Employees (Discipline and Appeal) Regulations, 1981, by order dated 20th June, 2005.

7. In the aforesaid backdrop, the deceased Petitioner approached this Court seeking the following reliefs:

> *"[a] issue a writ, in the form of Mandamus & Certiorari, and order(s), quashing the denial for payment of gratuity vide Letter dated 01.07.2011 [**Annexure P-1**] to the petitioner and Letter dated 29.01.2014 denying full pension to the petitioner [**Annexure P-2**]; AND/OR*
>
> *[b] issue a writ, in the form of Mandamus directing the respondent bank to pay to the petitioner the full pension and arrears on account of the same from the date of retirement to the petitioner;*

AND/OR

[c] issue a writ, in the form of Mandamus directing the respondent pay the full amount of gratuity and the interest thereon from the date of retirement; AND/OR

[d] grant the cost of the petition; AND/OR"

8. Insofar as the grievance relating to denial of gratuity is concerned, this Court, by order dated 15th July, 2024, granted liberty to the Petitioner to avail appropriate remedies under the Payment of Gratuity Act, 1972. The relevant portion of the order is extracted:

> *"2. Late Gurbachan Singh Chhatwal expired during the pendency of the present writ petition and his legal heirs were brought on record. Insofar as payment of gratuity is concerned, learned counsel for the Petitioners, on instructions, states that he will take recourse to appropriate remedy under the Payment of Gratuity Act, 1972 and be granted liberty to do so.*
>
> *3. Learned counsel further submits that pursuant to disciplinary proceedings held against Late Gurbachan Singh Chhatwal in 1989, penalty of reduction of 6 increments was imposed for three years, as a result of which his salary was reduced by Rs.3,000/- per month and subsequently, he was paid minimum pension in terms of Regulations 43 and 44 of the Punjab & Sind Bank (Employees') Pension Regulations, 1995, on account of conviction in the CBI case, which is a double jeopardy. It is argued that as per Regulation 48, the Competent Authority is empowered to withhold or withdraw the pension in full or a part thereof whether permanently or for a specified period, however, only after prior consultation of the Board. An RTI application was filed in September, 2023, seeking information whether the Board was consulted prior to the impugned action, in response to which it was stated that record was not available and therefore, it is not known whether prior consultation was done or not.*
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> *4. Let an additional affidavit be filed by the Respondent stating whether the Board was consulted before taking action under Regulation 48. Affidavit shall be filed before the next date of hearing.*
>
> *5. Liberty is granted to the Petitioners to take recourse to appropriate remedies for seeking gratuity in accordance with law.*
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> *6. List on 04.09.2024."*

9. In view of the liberty granted with respect to gratuity, the present challenge now survives only in respect of the communication dated 29th

January, 2014 whereby the Petitioner's pension was restricted to minimum pension, to the following effect:

> *"Ref: Exseat/ 21/89* *DATE: 29.01.2014*
> *Sh.G.S.Chhatwal,*
> *8/137, 3rd Floor,*
> *Ramesh Nagar,*
> *New Delhi-15;*
>
> *Dear Sir,*
> ***REG: Your Letter dated 25.01.2014.***
>
> *This has reference to your above mentioned letter whereby you have requested to grant you the minimum 2/3rd monthly pension as per Clause 33 of PSB Pension Regulations.*
> *In this connection, we are to inform you that you have been paid minimum pension in terms of PSB Pension Regulations 43 & 44 owing to your conviction and sentence served and not under Clause 33 as mentioned by you. As such you are not entitled to more than the minimum pension fixed in terms of the said Regulations.*
>
> *Yours faithfully,*
>
> *Sd/-*
>
> *Chief Manager (HRD)"*

10. The Court has heard counsel for the parties. It is not in dispute that the Petitioner's pension has been restricted to the minimum pension under Regulations 43 and 44 of the Punjab & Sind Bank (Employees') Pension Regulations, 1995, which empower the competent authority to withhold or withdraw pension, wholly or in part, upon conviction for a serious crime, subject to the stipulation that the pension shall not be reduced below the minimum pension per mensem payable under the Regulations. For ease of reference, the aforesaid regulations are reproduced:

> ***"43. Withholding or withdrawal of pension***
> *The competent authority may, by order in writing, withhold or withdraw a pension or a part thereof, whether permanently or for a*

specified period, if the pension is convicted of a serious crime or criminal breach of trust or forgery or acting fraudulently or is found guilty of grave misconduct. Provided that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the minimum pension per mensem payable under these regulations.

44. Conviction by Court
Where a pensioner is convicted of a serious crime by a court of law, action shall be taken in the light of the judgment of the court relating to such conviction."

11. The principal submission advanced on behalf of the Petitioner is that in the year 1989, a penalty of reduction of six increments for a period of three years was imposed upon him, resulting in a reduction of his salary to the extent of Rs. 3,000/- per month. It is contended that thereafter, upon his conviction in the CBI case, the Respondent Bank further restricted his pension to the minimum under the relevant Regulations. According to the Petitioner, the cumulative effect of the earlier reduction of increments and the subsequent curtailment of pension amounts to subjecting him to double jeopardy for the same set of allegations. To substantiate this plea, the Petitioner has filed CM APPL. 11258/2026, annexing certain documents described as salary records.

12. A perusal of these documents reveals that they are in the nature of a private publication/compilation titled "my salary record book", containing entries purportedly made by the Petitioner himself. Such a document cannot, by any stretch, be treated as an authenticated or official record of the Bank. Furthermore, the Respondents have categorically stated that no official record pertaining to the chargesheet dated 1989, or any document evidencing the imposition of the alleged penalty of reduction of six increments, is traceable in their official records. In such circumstances, the

Court is unable to accord evidentiary value to a personal record for the purpose of conclusively determining that a specific punishment of reduction of increments was in fact imposed by the competent authority.

13. In any event, since the Respondents disputes the Petitioner's position regarding the alleged earlier punishment, such a disputed question of fact cannot appropriately be adjudicated in the exercise of writ jurisdiction. The Petitioner would be at liberty to seek appropriate remedies in accordance with law for establishing such claim by leading evidence before a competent forum.

14. The surviving issue, therefore, pertains to the Petitioner's submission that the impugned action restricting pension has not been preceded by consultation with the Board, as contemplated under the proviso to Regulation 48 of the Punjab & Sind Bank (Employees') Pension Regulations, 1995. Regulation 48 provides for recovery of pecuniary loss caused to the Bank and mandates, under its first proviso, that the Board shall be consulted before any final orders are passed:

> "***48. Recovery of Pecuniary loss caused to the Bank***
>
> *(1) The competent authority may withhold or withdraw a pension or a part thereof, whether permanently or for a specified period, and order recovery from pension of the whole or part of any pecuniary loss caused to the Bank if in any departmental or judicial proceedings the pensioner is found guilty of grave misconduct or negligence or criminal breach of trust or forgery or acts done fraudulently during the period of his service.*
>
> *Provided that the Board shall be consulted before any final orders are passed.*
>
> *Provided further that where a part of pension is withheld or withdrawn the amount of pension drawn by a pensioner shall not be less than the minimum pension payable under these regulations:*

Provided also that departmental proceedings, if instituted while the employee was in service, shall, after the retirement of the employee, be deemed to be proceedings under these regulations and shall be continued and concluded by the authority by which they were commenced in the same manner as if the employee had continued in service.

(2) No departmental proceedings, if not instituted while the employee was in service, shall be instituted in respect of an event which took place more than four years before such institution;

Provided that the disciplinary proceedings so instituted shall be in accordance with the procedure applicable to disciplinary proceedings in relation to the employee during the period of his service.

(3) Where the Competent Authority orders recovery of pecuniary loss from the pension, the recovery shall not ordinarily be made at a rate exceeding one-third of the pension admissible on the date of retirement of employee;"

15. Although the Petitioner has since expired and the matter is being pursued by his widow, in order to ensure compliance with the applicable Regulations, this Court is of the view that the issue concerning reduction of pension be placed before the Board for consideration in terms of Regulation 48.

16. Accordingly, the Petitioner's legal representative is permitted to submit a representation before the Board of the Respondent Bank within a period of two weeks from today. Upon receipt of such representation, the competent authority/Board shall consider the same in accordance with law and pass a reasoned order thereon, within a period of four weeks thereafter.

17. With the aforesaid directions, the present petition is disposed of, along with pending applications.

SANJEEV NARULA, J

FEBRUARY 18, 2026/as