

**IN THE HIGH COURT OF KARNATAKA AT BANGALORE**

Dated this the 08th day of March, 2012

PRESENT

THE HON'BLE MR.VIKRAMJIT SEN, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE B.V.NAGARATHNA

WA No.4269/2011 (S-RES)

These Writ Appeals having been heard and reserved for Judgement, this day, the Chief Justice pronounced the following :

**J U D G M E N T**

**Vikramajit Sen, C.J**

This conglomeration of appeals challenge the judgment dated 08.04.2011 pronounced by learned Single Judge (Anand Byrareddy J.) concerning the claim of several erstwhile employees of the appellant banks who had availed of a Voluntary Retirement Scheme (VRS) offered to them by the employer banks vide Circular dated 15.12.2000. The writ petitions are substantially similar in content inasmuch as, the prayers therein are to quash the sundry Circulars which attempt to amend Regulation 29(5) of the Bank Employees Pension Regulations 1995 ('Pension Regulations 1995' for brevity) and thereby deprive them of the benefit of an addition of five years to their respective "qualifying service"; and secondly, for computing the pension in accordance with Regulation 38 of the Pension Regulations 1995,

8. In respect of Vijaya Bank the Circular particulars are No.10/2001 dated 11.01.2001; in respect of Canara Bank No.237/2000 dated 15.12.2000. similar writ petitions have been filed by erstwhile employees of the State Bank of Mysore praying for quashing of Clause 4 of its Circular No.127/2000-01 dated 30.01.2001; and for a declaration to the effect that

the petitioners are entitled to be paid retiral benefits such as ex gratia, gratuity, leave encashment, pension and communication value of pension, calculating the basic pay on the date of the respective retirements. With regard to the Syndicate Bank, the prayer is for declaring the denial to the petitioners of the benefit of Regulation 29(5) of the Pension Regulation 1995 promised under VRS by taking into account the last drawn ten months average pay as per Regulation 2 (d) of the Pension Regulations 1995. These writ petitions were also allowed vide Judgement dated 06.04,2011. Yet another batch of writ petitions were filed by the erstwhile employees of the Central Bank of India who had availed of VRS offered by the said Bank. The prayers are similar to that in the petitions pertaining to Syndicate Bank which also came to be allowed by Judgement dated 06.04.2011.

9. Another learned Judge (Ashok B.Hinchigeri J.) by Judgment dated 21.04.2011 allowed several other writ petitions filed against certain Banks including Union Bank of India praying for quashing its Circulars dated 21.12.2000 and 29.12.2000, and for declaring that the petitioners are entitled to an increased qualifying service by a period not exceeding five years subject to the condition that the total qualifying service rendered by such employees shall not in any case exceed 33 years of service and also that it does not tantamount to taking the petitioners d pay pension in accordance with beyond the date of superannuation; and direct the Banks to calculate and pay pension in accordance with Regulation 29(5). Hinchigeri J. also allowed petitions against the Vijaya Bank, Canara Bank, Syndicate Bank, Union Bank of India, Indian Bank, Indian Overseas Bank, State Bank of Mysore, UCO Bank, State Bank of India and Bank of Baroda by Judgement dated 21.04.2011. After noting the ratio of Bank of India vs. K.Mohandas, 2009(5) SCC 313, and in deference to the dictum in Official Liquidator vs. Dayanand, 2001(10) SCC 1, Hinchigeri J. Applied the judgement of Anand Byrareddy J. and disposed of the petitions before him in terms of the Judgement dated 08.04.2011, the operative paragraph of which reads as follows:

“Circular No.1/2001 dated 2.1.2001 insofar as it seeks to amend Regulation 28 and Circular No.10/2001 dated 11.1.2001 are quashed. The petitioners are entitled to increase in their qualifying service by a period not exceeding

five years subject to the condition that the total qualifying service rendered by the petitioners shall not in any case exceed 33 years and does not take them beyond the date of superannuation. The respondent-banks are directed to pay pension to the petitioners after applying the same and the orders by the banks insofar as the same deprived the addition of five years qualifying service are quashed. The petitioners are entitled to payment of pension calculated on the basis of actual pay fixed, personal pay, special pay and other allowances and emoluments drawn by them during the last ten months of service as provided under Regulations 35 and 39 of the Pension Regulations together with Dearness Allowance thereon and the respondent – bank shall pay the differential amount of pension and commutation value of pension to the petitioners on that basis, within a period of eight weeks, if not earlier and in the event of failure to make the payment as above, the banks shall be liable to pay interest at the rate of 10% on the said amounts till the date of payment”.

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO.5525 OF 2012**

BANK OF BARODA & ANR. ... APPELLANT(S)

VS.

G. PALANI & ORS. ... RESPONDENT(S)

WITH

C.A.NOS.6254/2012, 5611/2012, 3026-3253/2013, 3257-3262/2013, 11205-11340/2014, 11342-11435/2014, 9533-9646/2014, 8357/2014, 4711-4800/2014

AND

C.A.NO.1880/2018 @ SLP(C)NO.23773/2012,  
C.A.NOS.1881-1888/2018 @ SLP(C)NOS.20661-20668/2012,  
C.A.NO.1890/2018 @ SLP(C)NO.24851/2012,  
C.A.NOS.1892-1912/2018 @ SLP(C)NOS.23777-23797/2012,  
C.A.NO.1918/2018 @ SLP(C)NO.23848/2012,  
C.A.NOS.1919-2087/2018 @ SLP(C)NOS.15640-15808/2013 &  
C.A.NOS.2088-2092/2018 @ SLP(C)NOS.31470-31474/2012

**ORDER**

1. Heard learned counsel for the parties.
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34. Thus, we set aside the judgment rendered by the High Court of Delhi and affirm that of High Courts of Karnataka at Bangalore and the High Court of Madras. The appeals filed by the Banks are dismissed and the appeal filed by the Association is allowed. Resultantly, let the amount which was due and payable be paid with 9% interest, be calculated and paid within four months from today.

35. All pending applications stand disposed of.

.....J.  
[ARUN MISHRA]

.....J.  
[AMITAVA ROY]

New Delhi;  
13<sup>th</sup> February, 2018.