

GAHC010013132017



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/938/2017

ON THE DEATH OF MAFIZUR RAHMAN SAIKIA HIS WIFE
S/O LT. MAHIBUDDIN SAIKIA R/O BAPUJI NAGAR, NOONMATI P.O. and P.S.
NOONMATI DIST. KAMRUP M, ASSAM

1.1: NURBAN SAIKIA
WIFE OF LATE MAFIZUR RAHMAN SAIKIA RESIDENT OF HOUSE NO 141
BAPUJI NAGAR SALBARI NO 3 NOONMATI PO AND PS NOONMATI
GUWAHATI 781020 DISTRICT KAMRUP METRO ASSA

VERSUS

THE STATE BANK OF INDIA and 8 ORS.
REP. BY ITS GENERAL MANAGER, NETWORK-I, DISPUR, GUWAHATI -
781006.

2:THE DEPUTY MANAGING DIRECTOR
PERSONAL and SYSTEM AND APPELLATE AUTHORITY IN DISCIPLINARY
MATTERS
STATE BANK OF INDIA
DISPUR
GUWAHATI- 781006.

3:THE CHIEF MANAGER AND APPOINTING AUTHORITY
IN SERVICE MATTERS
STATE BANK OF INDIA
LOCAL HEAD OFFICE
NORTH EASTERN CIRCLE
GUWAHATI - 781006

4:THE GENERAL MANAGER
OPERATIONS AND DISCIPLINARY AUTHORITY
STATE BANK OF INDIA
LOCAL HEAD OFFICE
NORTH EASTERN CIRCLE

GUWAHATI- 781006

5:THE DEPUTY GENERAL MANAGER

ADMINISTRATIVE OFFICER
JORHAT
T.R. PHOKAN ROAD
JORHAT- 785001.

6:THE ASSISTANT GENERAL MANAGER

REGIONAL BUSINESS OFFICE
TEZPUR
MISSION CHARIALI
P.O. KETEKIBARI
TEZPUR- 784154

7:THE CHIEF MANAGER ENQUIRY
LOCAL HEAD OFFICE
NORTH EAST CIRCLE
ENQUIRY CELL
DISPUR
GUWAHATI - 781006.

8:SRI S. SUKLABAIDYA

SMGS-IV INQUIRING AUTHORITY IA
STATE BANK OF INDIA
ENQUIRY CELL
VIGILANCE DEPT. LOCAL HEAD OFFICE
GUWAHATI.

9:SHRI SURENDRA CH. ROY
SMGS-IV
PRESENTING OFFICER PO PRESENTING POSTED AS CHIEF MANAGER
ENQUIRY AT LOCAL HEAD OFFICE
GUWAHATI

Advocate for the petitioner(s): Mr. BD Konwar, Senior Advocate
Ms. JM Konwar

Advocate for the respondent(s): Mr. KK Dey

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

17.02.2026

Heard Mr. BD Konwar, the learned Senior Counsel assisted by Ms. JM Konwar, the learned counsel appearing on behalf of the petitioner. I have also heard Mr. KK Dey, the learned counsel, who appears on behalf of the respondent Bank.

2. The learned Senior Counsel appearing on behalf of the petitioner submits that the order of dismissal as well as the Appellate Order of dismissal suffer from violation of the principles of natural justice as well as perversity. This Court, however, *prima facie*, is not satisfied with the said submission after having perused the materials on record.

3. The learned Senior Counsel submitted that irrespective of the findings as well as the order of dismissal and being confirmed by the Appellate Order, the original petitioner herein had already expired and this Court passed an order thereby permitting his wife to be substituted in order to pursue as to whether the substituted petitioner would be entitled to the pension as well as the pensionary benefits.

4. The learned Senior Counsel further submitted relying upon the *State Bank of India Employees Pension Fund Regulations - 2014* (for short, the '*Regulations of 2014*') which was holding the field at the time when the petitioner was dismissed from service that by virtue of Rule 14 of the Regulations of 2014, the forfeiture of pension would arise when an employee is dismissed from Bank

service on willful negligence or fraud.

5. The learned Senior Counsel further submitted that the forfeiture requires a separate adjudication and without carrying out such adjudication merely by dismissing the original petitioner, the respondent Bank cannot deprive the family pension to the substituted petitioner i.e. the wife, that too, when there are no specific findings of fraud as well as neglect.

6. This Court has duly perused the writ petition and this very aspect as regards the pension or the pensionary benefits and the aspect pertaining to forfeiture of pension as mandated under Rule 14 of the Regulations of 2014 are not part of the pleadings.

7. This Court also has taken note of that the instant writ petition was filed in the year 2017 and it has been pending since then. Further to that, the substituted petitioner is a widow, who is nearing her 60's and as such instead of relegating the petitioner to pursue by way of a separate writ petition, it is the opinion of this Court that the said aspect be permitted to be agitated in the present writ petition by filing an additional affidavit so that the respondent Bank would be in a position to take a stand as regards the new plea being sought to be entered by the substituted petitioner.

8. Mr. BD Konwar, the learned Senior Counsel submitted that the additional affidavit would be filed within a week's time.

9. Accordingly, liberty is given to the substituted petitioner to file an additional affidavit on or before 27.02.2026.

10. This Court further grants 2(two) weeks time to the respondent Bank thereupon to reply i.e. on or before 13.03.2026.

11. The petitioner further is given the liberty to file a rejoinder to such reply if

filed by the respondent Bank within a week's time thereafter i.e. on or before 20.03.2026.

12. List this matter on 24.03.2026 at 2 P.M. for final disposal.

13. It is observed that if the additional affidavit is not filed by the petitioner on or before 27.02.2026, the present proceedings shall continue as per the original pleadings.

JUDGE

Comparing Assistant