

GAHC010088242018



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

Case No. : WP(C) 2730/2018

1:MONOLITH DEB
S/O LT. MANMATHA BIJAY DEB
R/O PANCHAYAT ROAD,
SILCHAR- 788004, DIST. CACHAR, ASSAM

VERSUS

1:THE UNION OF INDIA AND 4 ORS.
REP. BY THE SECRETARY, MINISTRY OF FINANCE, DEPARTMENT OF
FINANCE SERVICES JEEVAN DEEP BUILDING PARLIAMENT STREET,
NEW DELHI- 110001.

2:UNITED BANK OF INDIA
REP. BY THE MANAGING DIRECTOR AND CHIEF EXECUTIVE OFFICER-11
HEMANTA BASU SARANI
KOLKATA- 700001.

3:GENERAL MANAGER (HR)
UNITED BANK OF INDIA 11
HEMANTA BASU SARANI KOLKATA- 700001.

4:CHIEF MANAGER (STAFF PENSION)
UNITED BANK OF INDIA

STAFF PENSION DEPARTMENT

11
HEMANTA BASU ROAD

KOLKATA- 700001.

5:MANIPUR RURAL BANK
REP. BY ITS CHAIRMAN

KEISAMPAT
IMPHAL- 795001

MANIPUR

Advocate for the Petitioner : MR A DASGUPTA

Advocate for the Respondent : ASSTT.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE HRISHIKESH ROY

O R D E R

04.05.2018

The petitioner while serving as a *Scale-IV* Officer in the *United Bank of India* (UBI) was posted as the *Chairman* of *Manipur Rural Bank* (hereinafter referred to as the "*Rural Bank*") and he continued in that capacity from 13.7.2011 until he superannuated on 13.4.2015.

Under the Government of India's Circular dated 22.11.2013 [Annexure-3(A)], the *Chairman* of the *Rural Bank* should be placed at *one level above* their position in the sponsored bank and on this basis, the petitioner drew the salary as a *Scale-V* employee, while he was posted as the *Chairman* of the *Rural Bank*. On superannuation, the pension for the petitioner was determined at *Rs.38,105/-* as a *Scale-V* employee.

However, under the impugned communication dated 20.2.2016 (Annexure-6) of the UBI, the payable pension is *reduced* to *Rs.34,775/-* by treating him to have superannuated as *Scale-IV* employee and on that basis, *recovery* of the alleged excess pension of around *Rs.1,61,000/-*, is ordered against the retired Bank Manager.

The learned Senior Counsel Mr. A. Dasgupta refers to *Sub-Section (5)* of *Section 11* of the *Regional Rural Banks Act, 1976*, to project that the salary for the *Chairman* of the *Rural Bank* will be determined by the Central Govt. and on this basis, the Senior Counsel justifies the *Scale-V* salary for the petitioner, while he was posted as the *Chairman* of the *Rural Bank*. Thus the logic of the *reduced salary* and pension, is questioned by the retired officer.

In view of above, let Notice returnable in 4 weeks be issued. Mr. S.S. Roy, the learned CGC accepts notice for the respondent No.1. Extra copies be furnished to him.

The petitioner to ensure service on the concerned Bank(s) and their officers (respondent Nos.2 – 5), by registered post.

JUDGE

Comparing Assistant