

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5765 OF 2007

THE GEN.MANAGER(PENSION DEPT) CENT.BANK

Appellant (s)

VERSUS

MAHENDRA KUMAR GUPTA & ORS.

Respondent(s)

O R D E R

Heard Mr. Dinesh Mathur, learned counsel for the  
appellant-Bank and Mr. Sanjeev Agarwal, learned  
counsel for the respondent No.1.

The appellant-Bank brought into existence a new  
pension rules, namely, Central Bank of India  
(Employees') Pension Rules, 1993 whereunder employees  
were given the opportunity to give their option to  
convert from the Contributory Provident Fund (CPF) to  
avail the benefit of pension. The option was to be  
given within 28th April, 1994 to 31st July, 1994. The  
respondent No.1 who was working at M.M.H. College,  
Ghaziabad Branch, opted on 30th November, 1994 for  
pension under the proposed scheme. On 21st January,  
2000, the Regional Office, Sijail Chungi, Meerut had  
brought out a list of employees wherein the name of  
respondent No. 1 was shown as one of the employees who  
had opted for pension. Thereafter, the Bank did not  
contribute for provident fund of the first respondent.

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It is worth noting that the scheme was initially  
opened upto 31st July, 1994 but was extended upto 26th  
January, 1996 commencing 29th September, 1995. At that  
juncture, a cavil arose, whether the first respondent  
had given any option or not. Eventually, a letter  
dated 8/9th April, 2002 was issued to the respondent by  
the Chief Manager, P.R.S. Central Bank of India, Zonal  
Office, Agra stating, inter alia, that the respondent

No.1 while submitting his option form had mentioned the date 11th January, 1995 and scored it off and, therefore, he had not given option even within the extended period and thus he could not be granted benefit of pension.

Being dissatisfied with the aforesaid action of the Bank, the first respondent approached the High Court in C.W.P. No. 45630 of 2003 and the High Court ultimately in Special Appeal No. 18 of 2006 directed that the respondent shall be entitled to pension with effect from 29th September, 1995.

Learned counsel appearing for the Bank has submitted that there was some kind of interpolation by the respondent as regards the date of option and hence, the respondent is not entitled to pension.

Learned counsel for the respondent, per contra, contended that the respondent No.1 had submitted his application on 14th November, 1994. He has invited our

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attention to the communication dated 8/9th April, 2002 to highlight that the Bank had not communicated with regard to interpolation, to the respondent otherwise the respondent would have opted again for the pension benefit during the second extended period.

It is apt to note that no communication was sent to the respondent before the said period and as the documents of the Bank would reveal, he remained under the impression, and rightly so, that he was an optee for the benefit of pension.

In view of the aforesaid analysis, we are of the considered opinion that the High Court has not committed any illegality in observing that the case of the respondent shall be treated as an optee from the period commencing 29th September, 1995 to 26th January, 1996. Therefore, we concur with the view expressed by

the High Court and as a consequence thereof, the appeal, being devoid of merit, stands dismissed with no order as to costs.

.....J.  
[DR. B.S. CHAUHAN]

NEW DELHI;  
MAY 29, 2012

.....J.  
[DIPAK MISRA]

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ITEM NO.113

COURT NO.5

SECTION XI

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 5765 OF 2007

THE GEN.MANAGER(PENSION DEPT) CENT.BANK

Appellant (s)

VERSUS

MAHENDRA KUMAR GUPTA & ORS.  
(With appln(s) for directions and office report)

Respondent(s)

Date: 29/05/2012 This Appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN  
HON'BLE MR. JUSTICE DIPAK MISRA  
(VACATION BENCH)

For Appellant(s) Mr. Dinesh Mathur, Adv.  
Mr. Nishant Menon, Adv.  
Ms. Priyanka Bharti, Adv.  
Mr. K. Rajeev, Adv.

For Respondent(s) Mr. Yunus Malik, Adv.  
Mr. Sanjeev Agarwal, Adv.  
Mr. Rameshwar Prasad Goyal, Adv.

UPON hearing counsel the Court made the following  
O R D E R

The appeal is dismissed in terms of the signed order.

(G. SUDHAKARA RAO)  
COURT MASTER

(M.S. NEGI)  
COURT MASTER

(SIGNED ORDER IS PLACED ON THE FILE)