

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2132 OF 2011  
(arising out of SLP (C) No. 10926 of 2008)

REG.MANGR,PUNJAB NATIONAL BANK & ANR.

.....APPELLANTS

VERSUS

DHARAM PAL SINGH

.....RESPONDENT

O R D E R

Leave granted.

Heard Mr. Dhruv Mehta, senior advocate appearing for the appellants and Dr. K.S. Chauhan, advocate appearing for the respondent.

The only question that arises for consideration in this case is whether the respondent, who took voluntary retirement from the service of the appellant Punjab National Bank under the PNB Employees Voluntary Retirement Scheme - 2000 on completing 40 years of age (and not 15 years of service, as the alternative criterion stipulated) is entitled to receive pension.

The Punjab and Haryana High Court has held in favour of the respondent employee applying the provisions of Regulation 14 of the Punjab National Bank (Employees') Pension Regulations, 1995. The High Court has apparently overlooked that the opening words of Regulation 14 are

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'Subject to the other conditions contained in these regulations' and as a result, applied the provision of Regulation 14 somewhat out of context.

Be that as it may, the question arising in this case is no longer res integra and it is conclusively decided in favour of the Bank and against the respondent in Bank of Baroda & Ors. v. Ganpat Singh Deora, (2009) 3 SCC 217. In this decision, this Court considered in detail Regulations 14, 28 and Regulation 29, both before

and after its amendment and held that an employee taking voluntary retirement under the Voluntary Retirement Scheme would be entitled to pension only in case he completed 15 years' qualifying service in the Bank.

The decision in Ganpat Singh Deora fully applies to the facts of the case. The decision of the High Court, being contrary to the aforesaid decision, must be set aside.

We, accordingly, set aside the decision of the High Court and dismiss the writ petition filed by the respondent.

From the materials on record, however, it appears that the respondent has not been paid the amount

.....3/-

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of the Bank's contribution towards his Provident Fund and that amount has instead been transferred to the Pension Fund. The respondent was entitled to receive the amount of the Bank's contribution towards Provident Fund at the time of his voluntary retirement. The amount being wrongly withheld, we direct that the entire amount must be paid to the respondent, along with simple interest @ 10% per annum, within six weeks from today.

The Civil Appeal is, accordingly, allowed subject to the direction with regard to the payment of the aforesaid amount.

There shall, however, be no order as to costs.

.....J  
(AFTAB ALAM)

.....J  
(R.M. LODHA)

NEW DELHI,  
FEBRUARY 24, 2011.  
ITEM NO.3

COURT NO.12 SECTION IVB  
S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).10926/2008

(From the judgement and order dated 25/01/2008 in CWP No. 1350/2005 of the HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

REG.MANAGER,PUNJAB NATIONAL BANK & ANR.

Petitioner(s)

VERSUS

DHARAM PAL SINGH

Respondent(s)

(With prayer for interim relief and office report)

Date: 24/02/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM

HON'BLE MR. JUSTICE R.M. LODHA

For Petitioner(s)

Mr. Dhruv Mehta, Sr. Adv.  
Mr. Rajesh Kumar, Adv.  
Mr. Yashraj Singh Deora, Adv.  
Mr. Sarv Mitter, Adv.  
Mr. Parikshit Singh Shekhawat, Adv.  
for M/s. Mitter & Mitter Co.

For Respondent(s)

Dr. Krishan Singh Chauhan, Adv.  
Mr. Tej Singh Varun, Adv.  
Mr. Ajit Kumar Ekka, Adv.  
Mr. Kartar Singh, Adv.

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

Leave granted.  
The civil appeal is allowed.

(N.S.K. Kamesh)  
Court Master

(S.S.R. Krishna)  
Court Master

(signed order is placed on the file)