

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)...../2013

(CC 10085/2013)

(From the judgement and order dated 24/01/2012 in WA No.33410/2002, dated 15/03/2013 in WA No.33410/2002, RA No.145836/2012 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

ALLAHABAD BANK & ORS.

Petitioner(s)

VERSUS

GEETA VARSHNEY

Respondent(s)

With I.A.1 (C/delay in filing SLP and office report)

Date: 08/05/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI

For Petitioner(s)

Mr.R.F.Nariman, Sr.Adv.
Mr.Rajesh Kumar, Adv.
Ms.Anupama Dhurve, Adv.
Mr.Prashant Narang, Adv.
Mr.Yashraj Singh Deora, Adv.

For Respondent(s)

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

The delay of 365 days in filing the special leave petition is condoned because the petitioners were pursuing the remedy of review.

The respondent's husband, who joined the service of petitioner No.1 as Clerk on 21.5.1971 died in a road accident which occurred on 19.7.1991. After about 8 months, the respondent was appointed on compassionate ground as Clerk-cum-Cashier. After coming into force of the Allahabad Bank (Employees) Pension Regulations, 1995, which were notified on 29.9.1995, the respondent submitted application dated 16.11.1995 for grant of pension in lieu of her husband's service.

The Division Bench of the Allahabad High Court allowed the writ petition filed by the respondent and held that there was no legal justification to deny her the benefit of the scheme. The Division Bench took cognizance of the fact that the cut-off date fixed under the Regulations was 27.1.1996 and that the respondent had submitted application on 16.11.1995 and held that the bank had committed an illegality by denying her the pensionary benefits. In paragraphs 15 to 17 of the impugned order, the Division Bench has given detailed reasons for quashing the decision taken by the concerned authority to reject the application of the respondent and we entirely agree with the High Court that the denial of pension to the respondent was legally unsustainable.

The special leave petition is, accordingly, dismissed.

If the petitioner has so far not implemented the order passed by the High Court, then the needful must be done within a period of two months from today and the arrears shall be paid on or before July 31, 2013.

The Registry is directed to send a copy of this order to the respondent at the address mentioned in the memo of special leave petition.

However, the question of law is left open to be decided in an appropriate case.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master