

ITEM NO.1 (Part-heard) COURT NO.5 SECTION XV

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 (C) No(s). 39288/2012
(Arising out of impugned final judgment and order dated
23/08/2012 in DBCSA No. 2021/2011,23/08/2012 in SBCWP No.
4366/2005 passed by the High Court Of Rajasthan at Jodhpur)

UNION OF INDIA

Petitioner(s)

VERSUS

GRAMIN BANK PENSIONERS SAMITI & ANR.

Respondent(s)

[with appln. For impleadment as party respondent and interim
relief and office report)[for final disposal]

WITH

W.P. (C) No. 210/2013

(With appln. (s) for amendment of cause title and Office Report)

Date : 26/11/2014 Theses petitions were called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR
HON'BLE MR. JUSTICE ARUN MISHRA

For Petitioner(s) Ms. Pinky Anand, ASG
in SLP 39288/2012 Ms. Asha G. Nair, Adv.
and for respondent Ms. Saudamini, Adv.
In WP 210/2013 for Ms. Sushma Suri, AOR(NP)

In WP 210/2013 Mr. C.U. Singh, Sr. Adv.
Mr. C. K. Sasi, Adv

For Respondent(s) Dr. Rajeev Dhawan, Sr. Adv.
Ms. Pragatee Neekhara, Adv.
Mr. Abhishek Kumar Jha, Adv.

Mr. Jayant Bhushan, Sr. Adv.
Mr. D. S. Chauhan, Adv.
Mr. Rajinder Juneja, Adv.
Ms. Ruchi Singh, Adv.
Mr. Siddharth Aggarwal, Adv.

Mr. K.P. Rajagopal, Adv.
Ms. V.S. Lakshmi, Adv.
Mr. A. Venayagam Balan, Adv.

Mr. C.S. Rajan, Sr. Adv.
Mr. B. K. Pal, Adv.

Mr. R.S Hegde, Adv.
Mr. Rajendra Kaushik, Adv.
Mr. S. Prakash, Adv.
For Mr. Rajeev Singh, AOR (NP)

Mr. K.K. Rai, Sr. Adv.
Mr. K.T. Anantraman, Adv.
Mr. Vasudevan Raghavan, Adv.

Mr. Pawan Upadhyay, Adv.
Mr. Sarvjit Pratap Singh, Adv.
Mr. R.L. Batta, Adv.
Ms. Sharmila Upadhyay, Adv.

Mr. Hardeep Singh, Adv.
Ms. Aditi Mishra, Adv.
For Ms. Liz Mathew, AOR (NP)

Mr. D.K. Sinha, AOR (NP)

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

The interlocutory application no.1 of 2014 in Writ Petition(C) No. 210 of 2013 is allowed in terms of the prayer made. Amended cause title be filed within two days.

During the course of hearing of Writ Petition(C) No. 210 of 2013, Mr. Chander Uday Singh, learned senior counsel for the petitioners invited our attention to the counter affidavit filed on behalf of respondent no.1-Union of India, wherein it has, inter alia, been asserted as under:

"The answering respondent has filed an affidavit in the said Special Leave Petition, wherein it has apprised this Hon'ble Court of its in-principle decision to allow RRBs to adopt a pension scheme on par with NCBs subject to a given framework. Accordingly, Model Pension Regulation and Operation Guidelines to be issued to RRBs have been approved by the Government, but are yet to be issued to the RRBs for adoption by them on account of the matters

pending before this Hon'ble Court. It is most respectfully submitted that the scheme contemplated by the answering respondent would allow many RRBs to extend pension benefits (at par with NCBs) to their employees. Several RRBs would, based on certain objective financial parameters, be in a position to adopt such scheme as of date, and their employees stand to benefit from such adoption. For RRBs that presently do not meet the requisite criteria for extending pension at par with NCBs to their employees, the position would be continuously monitored, and these RRBs may also extend such benefit when they are in a position to do so. It is most respectfully submitted that these criteria have been evolved with a view to ensuring the continued viability and sustainability of the RRBs themselves."

Based on the aforesaid position adopted by the Union of India, it is the contention of the petitioners, that all stake holders may be permitted to negotiate with the Union of India, so as to explore the possibility of an amicable settlement in respect of the conditions expressed in the pension scheme proposed for the employees of the RRBs.

Learned Additional Solicitor General representing the Union of India states, that she has no objection to the suggestion made by the learned senior counsel for the petitioners.

Special Leave Petition(C) No. 39288 of 2012 is also pending consideration on the same issue. The same has been filed by the Union of India. Different Officers' Unions/Federations have been impleaded as respondents therein. Learned counsel representing the respondents in the special leave petition, also agree, to the proposal made by the learned

senior counsel for the petitioners in Writ Petition(C) No. 210 of 2013.

In view of the above, parties are permitted to negotiate for an amicable settlement, without any pre-conditions. The learned Additional Solicitor General representing the Union of India shall inform all learned counsel representing the Federations/Unions the modalities of the negotiation process. So as to ensure an effective and meaningful result, managements of the RRBs and all stake holders be also taken on board during the negotiations.

In case, the Federations/Unions seek any documents in connection with the on going negotiations and furnish a list thereof, the same shall be provided to them.

In case parties arrive at a mutual settlement, the same shall be placed on the record of this case within three months from today. List thereafter as part-heard.

(Parveen Kr. Chawla)
Court Master

(Renuka Sadana)
Court Master