

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  
R E C O R D O F P R O C E E D I N G S

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.

Signature Not Verified

Ms. Ruchi Singh, Adv.

Digitally signed by

Mr. Siddharth Aggarwal, Adv.

Parveen Kumar Chawla

Date: 2014.11.27

17:45:42 IST

Mr. K.P. Rajagopal, Adv.

Reason:

Ms. V.S. Lakshmi, Adv.  
Mr. A. Venayagam Balan, Adv.

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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

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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

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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