

Patna High Court - Orders

Shashikala Devi vs Central Bank Of India & Ors on 11 November, 2011

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1998 of 2010

In

Civil Writ Jurisdiction Case No. 13458 of 2008

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1. Shashikala Devi W/O Late Mauzi Ram R/O South Mandiri Kathpur, Near Nag Panch Mandir, P.S.Budha Colony, Distt.-Patna.

.... Appellant/s Versus

1. Central Bank Of India Through Deputy General Manager, Terminal Benefits, Central Office, Mumbai.

2. Deputy General Manager, Terminal Benefits, Central Office, Mumbai.

3. Zonal Manager, Central Bank Of India, Zonal Office, Mumbai.

4. Regional Manager, Central Bank Of India, Regional Office, Patna.

5. Chief Manager, Human Resources Deptt., Central Bank Of India, Zonal Office, Patna. Null Null

6. Branch Manager, Central Bank Of India, Rajbanshi Nagar Branch, Patna.

.... Respondent/s =====
Appearance :

For the Appellant/s : Mr. Siddhartha Prasad, Advocate For the Respondent/s : Mr. Ajay Kumar Sinha, Advocate ===== 3
11-11-2011 Heard learned counsel for the appellant and learned counsel for the Bank.

There is no dispute that as a consequence of resignation there was forfeiture of the entire past service of the husband of the appellant and he could not qualify for pensionary benefits.

It is not in dispute that other terminal benefits including employee's contribution towards provident fund before coming into force of the scheme for pension have already been paid. We find that after the resignation offered by the husband of the appellant on 8.10.2010 was accepted by the Bank on 28.11.2007, he chose to take a different stand through his letter dated 18.12.2007 that his resignation should be treated as a request for voluntary retirement. The Bank declined to accept such a request in view of the resignation having been accepted already.

In our view, the appellant is not entitled for pensionary benefits or even for employer's contribution towards erstwhile provident fund scheme since such contribution along with interest etc. has

already merged in the pension fund created under the subsequent scheme. This happened on account of option exercised by the employee and any money out of the pension fund can be withdrawn only as per provisions in the regulations governing the pension fund. No such provision has been brought to our notice which may support the claim of the appellant. Hence, we are unable to grant any relief to the appellant.

The appeal is dismissed.

(Shiva Kirti Singh, J) (Shivaji Pandey, J) sk