

HON'BLE Mr. JUSTICE N.V. RAMANA

W.P.No.24620 of 2000

Date: 31.08.2006

Between:

M.Venkateswara Rao S/o M.Krishnamurthy
61 years, R/o Quarter No.3/3RT,
Barkatpura Quarters, Hyderabad-7

... Petitioner

And:

Andhra Bank (A Government of India undertaking)
Head Office, 5-9-11, Secretariat Road
Saifabad, Hyderabad-4, rep.by its
Chairman & Managing Director & another

... Respondents

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W.P.No.24620 of 2000

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ORDER:

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This writ petition is filed seeking a *Certiorari* calling for the records relating to proceedings No.666/3/P/BF 856/316 dated 28.7.2000 from the office of the respondents and quash the same with consequential directions to the respondents to pay the pension to the petitioner with effect from 22.4.1991 and with all attendant benefits including arrears of pension and interest at 12% per annum.

It is the case of the petitioner that he joined initially as clerk on 16.8.1958 in Bharat Lakshmi Bank Ltd. The said bank amalgamated in the Andhra Bank in the year 1964 and his services were continued in Andhra Bank. He was promoted as an Officer Junior Manager Grade-I and subsequently to Middle Manager Grade-II and Middle Manager Grade-III in Andhra Bank. His conditions of service under the respondents are governed by Andhra Bank (Officers) Service Regulations 1982 as amended from time to time. While he was working as Manager, Andhra Bank, Warangal, after putting 32 years, 8 months and 6 days service, he had submitted his resignation from the Bank service by giving three months notice on 22.01.1991 and the same was accepted with effect from 23.4.1991 as per letter dated 3.6.1991. As on the date of termination of contract of employment by virtue of his resignation in the year 1991, there was no pension scheme in the respondent bank and so, he was paid the contributory

Provident Fund amount and gratuity. The pension scheme was introduced in the respondent bank in the year 1994 and it came into force on 1.4.1993 and the said scheme was circulated by the 1st respondent bank under Circular No.071/Ref.No.3/12, dated 14.6.1994 along with draft Pension Regulations, 1993 and this pension scheme is applicable to the employees of the 1st respondent Bank, who retired from service on or after 1.1.1986 provided that such employees apply for it in the format prescribed by the Bank and refund by the date decided by the Bank, the Bank's entire contribution to the Provident Fund including interest received with further simple interest at the rate of 6% per annum from the date of withdrawal of the Provident Fund amount till the date of refund. On coming to know of the Pension Scheme, he had sent a letter dated 17.6.1994 to the 1st respondent opting for pension scheme, but he was informed by the Manager (Pension Cell) of the 1st respondent bank on 27.6.1994, that as per the recent guidelines received from Indian Banks' Association, employees who have submitted resignation, irrespective of service rendered in the Bank, are not eligible for pension. However, the Chief Manager of the Zonal Office of 1st respondent bank at Warangal, had sent a letter No.239/3/160/3256, dated 19.9.94 enclosing pension option form for retired employees and called upon him to send the option letter before 30.09.1994 and accordingly he had sent his option for pension in the prescribed format on 28.09.1994, but the said representation was rejected by the respondents as per letter No.666/3/F/856/316 dated 28.7.2000 on the ground that the recent guidelines issued by the Indian Banks' Association relating to employees who had voluntarily retired from service, but the same is not applicable to him, as his exit from the bank is due to resignation.

Heard the learned counsel for the petitioner and respondents.

Learned counsel for the petitioner relied upon a judgment in '*D.Malleswara Rao v. Andhra Bank, Hyderabad and another*^[1]', and contended that the subject matter in this writ petition squarely covered by the above decision. Learned counsel for the respondents also conceded so far as the judgment in the above decision.

Taking into consideration of the submissions on both sides, the issue in this writ petition squarely covered by the judgment referred to supra. Accordingly, following the decision in *D.Malleswara Rao*'s case, this writ petition is allowed for the same and similar reasons. No costs.

N.V. RAMANA, J

Date: 31.08.2006

BSS/TVK

^[1] 2005(5) ALD 838