IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 821 OF 2002

Bank of Maharashtra Retired Employees
Welfare Organisation and others ... Petitioners

versus

The Bank of Maharashtra and others ... Respondents

Mr. P.K. Hushing for the petitioners.
Mr. Girish Kulkarni, instructed by Mrs. Aruna R. Kamath for respondent No.1.
Mr. H.K. Vardhan with Mr. V.B.Tiwari and Mr. D.A. Dubey for respondent No.3.

CORAM: **P.B. MAJMUDAR &**
R.M. SAVANT, JJ.

DATE: **JUNE 30, 2009**.

P.C.

This petition is filed by Bank of Maharashtra Retired Employees Welfare Organisation along with nine individual petitioners. The grievance of the petitioners is in connection with not giving them the benefits of qualifying service under Regulation 29(5) of the Bank of Maharashtra (Employees') Pension Regulations, 1995 for payment of pension benefits under the Pension Scheme.

2. It is not in dispute that petitioner Nos. 2 to 10 had applied for voluntary retirement under the Voluntary Retirement Scheme framed by the Bank. The petitioner Nos. 2 to 10 received the monetary benefits under the said Scheme and subsequently have challenged the decision of the Bank in not giving them pensionary benefits in accordance with Regulation 29 (5) of the Bank of Maharashtra (Employees') Pension Regulations, 1995.

3. It is pointed out by the learned counsel appearing for the Bank that the issue raised herein is squarely covered by the decision of the Supreme Court in the case of *Bank of India and another* vs. *K. Mohandas and others* [2009 (4) Scale 576] . The learned counsel appearing for the respondent Bank submits that it is true that the issue in question is squarely answered by the Supreme Court in the aforesaid case.

4. In view of the aforesaid judgment of the Supreme Court and considering the facts and circumstances of this case, this petition is required to be allowed. The writ petition is accordingly allowed. The petitioner Nos. 2 to 10 are entitled to the benefit of five years under Regulation 29 (5) of the Regulations, 1995. Whatever benefits petitioner Nos. 2 to 10 are entitled to, the same shall be paid to them within three months from today. However, Petitioner Nos. 2 to 10 shall not be entitled to interest on such amount. Rule is made absolute in the aforesaid terms with no order as to costs. It is clarified

that the benefits given in this petition are restricted only to petitioner Nos. 2 to 10 in their individual capacity.

P. B. MAJMUDAR, J.

R.M. SAVANT, J.