



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

111

CWP-14824-2024 (O&M)

Date of decision: 10.02.2025

Ashok Kumar Aggarwal

...Petitioner

VERSUS

Central Bank of India and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Gopal Krishan Saini, Advocate for the petitioner.

Mr. Naren Pratap Singh, Advocate for the respondent-Bank.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for directing the respondents to grant the pension/arrears of pension alongwith interest as the pension option of the petitioner already stood accepted by the respondent-Bank on 10.11.2013.

2. Learned counsel appearing on behalf of the petitioner contends that the petitioner had joined the service of Central Bank of India on 01.03.1969 as a Clerk and retired on 31.03.2009 on attaining the age of superannuation. A criminal case bearing FIR No.336 dated 24.11.1978 was registered against the petitioner under Sections 409, 420, 465, 468, 471 and 381 of IPC read with Section 120-B of IPC at Police Station Division No.4, Jalandhar on a complaint filed by the Bank on 24.11.1978 whereupon the petitioner was placed under suspension. The petitioner was acquitted in the said criminal case by the trial Court vide its judgment dated 15.07.1983, however, the order of suspension continued to be in force against the petitioner. Feeling aggrieved of the judgment of acquittal, the respondent-



111 CWP-14824-2024 (O&M)

Bank filed a criminal appeal bearing No.204 DBA/1984 before this Court which was also dismissed on 27.05.1991. The respondent-Bank, however, did not allow the petitioner to join the services and kept him under suspension for more than 12 and half years since the registration of FIR. After nearly 13 years of registration of the FIR and 7 years of acquittal, the respondent-Bank initiated departmental proceedings against the petitioner on 06.05.1990 on the basis of same charge/identical set of facts which formed the basis of the FIR against him. Since the criminal DBA filed by the respondent-Bank was dismissed on 27.05.1991, the petitioner filed CWP-8983-1991 titled as 'Ashok Kumar Aggarwal Vs. Central Bank of India and others' before this Court on 11.06.1991 seeking quashing of the departmental proceedings that had commenced on the same charge wherein the petitioner had already been acquitted. The writ petition was allowed by this Court vide its judgment dated 12.10.2007 and the disciplinary proceedings initiated by the respondent-Bank were set aside. The operative part of the said order reads thus:-

“In light of foregoing discussion, the present petition shall stand allowed. The enquiry proceedings shall stand quashed. If the petitioner has not attained the age of superannuation, he shall be reinstated forthwith. He shall also be entitled to all the consequential benefits relatable to reinstatement. If he has retired from service, he would obviously be entitled to only the consequential benefits.”

3. Aggrieved of the said judgment, the respondent-Bank preferred



111 CWP-14824-2024 (O&M)

LPA No.246 of 2007 titled as ‘Central Bank of India Vs. Ashok Kumar Aggarwal’ which was dismissed vide order dated 20.12.2007. Since a direction had been issued by a Single Judge of this Court in CWP-8983-1991 on 12.10.2007 directing the respondents to release the retiral benefits to which the petitioner became entitled and the same had not been released, hence, the petitioner filed COCP-19-2008 against the respondent-authorities. When the said contempt petition came up for hearing on 19.02.2008, the respondent-Bank stated that vide order dated 07.02.2008 passed by the Hon’ble Supreme Court in SLP (Civil) No.2989 of 2008, the contempt proceedings had been stayed. The contempt petition was accordingly disposed of at that stage with liberty to the petitioner to file a fresh petition, if so advised, after the decision of the Hon’ble Supreme Court. The said SLP (Civil) No.2989 of 2008 was finally decided on 26.07.2011 by the Hon’ble Supreme Court, which once again dismissed the appeal of the respondent-Bank. The operative part of the said judgment reads thus:-

“6. However, the facts in this case prompt us to take a slightly different view having regard to the fact that the respondents were acquitted from the criminal charges almost 30 years ago and proceedings against them departmentally today would in our view, not be fair to the workmen. The reasoning of the Ld. Single Judge as well as of the High Court which were upheld by the Division Bench are in line with the view expressed herein above.

7. We see no reason to differ with the same and



111 CWP-14824-2024 (O&M)

accordingly, we are not inclined to interfere in the Special Leave Petitions which are, therefore, dismissed. ”

4. After the dismissal of the above SLP, the petitioner again submitted a letter on 10.08.2011 to the respondent-Bank seeking consequential/retiral benefits. No action was, however, taken by the respondent-Bank to release the consequential benefits as were directed by this Court in its order dated 12.10.2007 that has been upheld upto the level of the Hon'ble Supreme Court by way of dismissal of the SLP (Civil) No.2989 of 2008 on 26.07.2011.

5. Since there was no response, the petitioner filed COCP No.2688 of 2011 for disobeying the order passed by this Court, however, during the pendency of the COCP, the respondent-Bank released certain amounts being the arrears of pay and allowances for the suspension period from November-1978 to March-2009 as also the leave encashment less the subsistence allowance already paid. Certain amounts towards provident fund and other dues were also released. A specific statement had been made by the respondent-Bank on 29.07.2013 that the remaining payment as per calculations given by the petitioner was under active consideration of the Bank and that they had called the petitioner for personal hearing on 26.11.2013. The matter was disposed of accordingly. The respondent-Bank, however, did not pay the admissible retiral benefits such as pension whereupon the petitioner filed COCP No.778 of 2014 claiming the said payments. He claims that the option of the petitioner for pension was accepted by the respondent-Bank on 03.01.2015, however, the benefits were



111 CWP-14824-2024 (O&M)

not released and the petitioner had been in receipt of the communication from the respondent-Bank wherein he was required to fulfill the following conditions:-

“To

*Sh. Ashok Kumar Aggarwal, S/o Sh. Khushi Ram,
37, Vivek Nagar, Street No.2, Roshan Nagar Bhattha Road,
Kishanpura, Jalandhar.
Contact No.99156 17028*

Reg: Your Pension Option dated 10.11.,2913

Sir,

We are pleased to inform you that competent authorities have conveyed their confirmation regarding acceptance of your offer of Pension option. As informed to you vide our letter dated 15.10.2014, you need to deposit the refund amount as per the undergiven details:

- 1. 2.8 times of Revised Pay as of November, 2007 with interest as applicable on PF from time to time from the date of PF settlement till the date of refund.*
- 2. Bank's contribution of PF alongwith interest as applicable on PF from time to time till the date of deposit.*

As already informed to you, last date for depositing the above mentioned amount is 06.01.2015, and no amount will be accepted after that and your application will not be considered for pension option.

Therefore you are requested to act accordingly.

The PF interest rate sheet as applicable from time to time is attached for your reference.”



111 *CWP-14824-2024 (O&M)*

6. Learned counsel appearing on behalf of the petitioner contends that the petitioner had deposited the differential amount and had complied with the demand raised thereunder, however, notwithstanding the same, the pensionary benefits have not been released to the petitioner. Hence, the present writ petition has been filed.

7. Learned counsel appearing on behalf of the respondent-Bank does not dispute that the petitioner was entitled to the benefits of pension, however, he contends that the petitioner has not yet complied with the letter of 03.01.2015 which stands communicated to him. The amount claimed to be deposited by him has got not concern with the pensionary fund account in which the payment had to be deposited by the petitioner. He thus contends that the benefits could not be released since the petitioner is in default and having not complied with the formalities that were required to be undertaken in the form of deposit of 2.8 times of the revised pay as of November-2007 alongwith interest as applicable on PF from time to time as well as the Bank's contribution of provident fund alongwith interest as applicable on PF from time to time till the date of deposit. It is submitted that due to non-deposit of the said amount, the pension to the petitioner could not be released.

8. Faced with the above, learned counsel appearing on behalf of the petitioner contends that even though the petitioner had deposited the amount, however, he would not like to go into the dispute thereof and he would have no objection in case the respondent-Bank calculated the aforesaid amount and adjusted the same from the pension payable to the



111 *CWP-14824-2024 (O&M)*

petitioner before releasing the same and that the pro-rata pension be released to him.

9. Counsel for the respondent-Bank, however, submits that he is required to seek instructions in this regard.

10. I have heard the learned counsel appearing on behalf of the respective parties and have gone through the documents available on record with their able assistance.

11. Even though a formal reply has not been filed, however, taking into consideration the entire litigation right from 1978 till 2024, it is evident that the respondent-Bank has been adopting a very lackadaisical attitude towards the petitioner. Notwithstanding that the judgment of acquittal having been passed by the trial Court, the respondent-Bank did not take appropriate steps that were required to taken as follow up thereof. Initiation of the disciplinary proceedings against the petitioner for the same charge are a testimony to the same. Despite the writ petition preferred by the petitioner having been allowed and the petitioner being held entitled to all the consequential benefits, the respondent-bank pursued the matter upto the level of the Hon'ble Supreme Court in a failure and even after dismissal of the SLP in the year 2011. Even during the course of hearing of the present writ petition, an attempt was made by the counsel for the respondent-Bank to mislead this Court by making a reference to the pending SLP which has no concern with the prayer made in the present writ petition since the dispute in the pending SLP before the Hon'ble Supreme Court pertains to the claim of interest against the amounts i.e. the salary for the period from 1978 till 2009



111 *CWP-14824-2024 (O&M)*

and the release of the LTC was being claimed.

12. On being confronted, learned counsel appearing on behalf of the respondent-Bank apologized for mixing up two different causes of action. While advising the counsel to remain careful in future, the present case is being decided on its merits.

13. Since the claim of the petitioner to his entitlement is not a subject matter of dispute and the pending SLP has no co-relation with the pensionary benefits to which the petitioner is entitled to as per service and as per the directions already issued by this Court in CWP-8983-1991 decided on 12.10.2007, I find that the attempt by the respondent-Bank is only to delay the disbursement of the liability in favour of the petitioner and that there can be no impediment in adjustment of amount required to be deposited by the petitioner and as communicated by the respondent-Bank vide letter dated 03.01.2015.

14. The present writ petition is accordingly **disposed of with the following directions:**

- (i) That the respondent-bank shall determine the amount required to be deposited by the petitioner in terms of the communication dated 03.01.2015 and ascertain the same. The calculation of the said amount shall be duly sent to the petitioner within a period of 04 weeks of the receipt of a certified copy of this order. They shall also give the account wherein such an amount is required to be deposited;



- (ii) The petitioner may, if so desire, deposit the said amount in the bank account within a period of two weeks thereafter or submit an undertaking that he would have no objection to deducting the said amount from the admissible pensionary benefits to him;
- (iii) That in the event of the petitioner either depositing the amount or submitting an undertaking with the respondent-Bank pertaining to adjustment of the aforesaid dues from the pensionary benefits payable to him; and respondent-Bank shall carry out an appropriate exercise and do the adjustment and release the differential amount to the petitioner on pro-rata basis, within a period of 04 weeks thereafter.

15. It is made clear that in case needful is not done within the aforesaid time schedule, they shall be liable to pay the interest @6% per annum from 03.01.2015 i.e. when the amount was assessed alongwith an additional cost of Rs.1,00,000/- to be deposited by the respondent-Bank with the Poor Patient Welfare Fund (PPWF) of Post Graduate Institute of Medical Education & Research, Chandigarh for creating unwarranted litigation to unnecessarily burden the docket of this Court.

(VINOD S. BHARDWAJ)
JUDGE

10.02.2025

Mangal Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No