

IN THE HIGH COURT OF KERALA AT E
WP(C).No. 27929 of 2003(Y)

1. T.R. VIJAYAN, 50/1701, THAREPARMBIL,
... Petitioner
2. GEORGE MATHEW, MULLAMKUZHIYIL HOUSE,
3. AMBIKA GOPALAKRISRNAKULAMHNAN, 'ARATHI',
4. ALICE SEBASTIAN, KONTHURUTHY HOUSE,
5. A.K. SOMAN, VAZHAKOTTU PARAMBU,
6. V.N.KESAVAN NAIR, 'DHANYA',
7. R. MADHUSUDANAN NAIR, FLAT NO.2/3,
8. V.G.JOSEPH, VALIARUMPETH, V.T.NADA.P.O.
9. O.K.VIJAYAN, 'GITANJALI', KUNNUMPURAM,
10. XAVIER.M.R., MANTHRA HOUSE,
11. P.M.GOPALAKRISHNA PANICKER,
12. K.C.SOMANATHAN, 'KRISHNARPANAM', EXCELL P
13. V.N.SHANMUKHAN, 35/585 A,
14. K.A. JOSEPH, 'ZION', 35/527, KEERTHI
15. T.V.PRABHAKARAN, 8/1596 HARISREE,
16. K.V.KURIAN, KANJIRATHINKAL HOUSE,
17. K.PYTHAMBARA, 35/2181, SINDHU COTTAGE,
18. P.SIVADASAN, 37/619, KOIPURAM,
19. A.K. SIVAPRAKASAN NAIR, 'ANUGRAH',
20. JOHN.T.J., MANIKATH HOUSE,

Vs

1. THE STATE BANK OF INDIA, REPRESENTED BY
... Respondent
2. THE EXECUTIVE TRUSTEE,
3. UNION OF INDIA, REPRESENTED BY ITS
4. THE RESERVE BANK OF INDIA,

For Petitioner :SRI.N.N.SUGUNAPALAN (SR.)

For Respondent :SRI.D.SOMASUNDARAM, ADDL.CGSC

The Hon'ble MR. Justice S.SIRI JAGAN

Dated :14/09/2010

ORDER

S.SIRI JAGAN, J.

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W.P.(C).No. 27929 of 2003

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Dated this the 14th day of September, 2010

JUDGMENT

A section of retired employees of the State Bank of India has filed this writ petition, with a complaint that they are being discriminated in the matter of payment of pension by restricting payment of revised pension only to some of the retired employees on the basis of dates of retirement. The facts are a little complex. In view of the fact that the petitioners now restrict their prayers, for the present, for the same benefit as in Ext.P4 order issued by the Bank in favour of some other retired employees, I am not going into the details of the facts, on the basis of which, other contentions are raised.

Presently, the petitioners would contend that they are also entitled to the benefits given in Ext.P4 to the persons, who have retired on or after 1.11.2002. According to the petitioners, by Ext.P4, pending amendment to the State Bank of India Employees' Pension Fund Rules, the employees who have retired on or after 1.11.2002, have been given enhanced pension benefits, as provided in Ext.P4, subject to amendment of Rule 23 of the State Bank of India Employees' Pension Fund Rules. According to the petitioners, there is no logic in restricting such enhanced benefit only to persons who have retired on or after 1.11.2002 and the same should be uniformly made applicable to all retired employees of the State Bank of India, without reference to any w.p.c.27929/03 cut of date based on the date of retirement.

2. The answer of the respondents to the same is that the pension in the State Bank of India to the employees of the State Bank of India can be paid only in accordance with the State Bank of India Employees' Pension Fund Rules framed under the State Bank of India Act. They would, therefore, contend that the petitioners cannot now claim payment of pension more than what is provided for under Rule 23 of the State Bank of India Employees' Pension Fund Rules unless the Rules are appropriately amended.

3. After considering the rival contentions on this question, I am prima facie of opinion that the employees of the State Bank of India should be paid pension uniformly, that too, in accordance with Rule 23(1) of the State of Bank of India Employees' Pension Fund Rules as it exists presently. But if pending finalisation of the amendment to the rules, the State Bank of India decides to give an adhoc payment of increased pension, then that has to be made applicable to all retired employees of the State Bank of India irrespective of any cut of date on the basis of the date of retirement. That is a matter which has to be decided by the State Bank of India in its discretion. But if they decide to implement Ext.P4, that shall be uniformly implemented without reference to any cut of date on the basis of the date of retirement, which, in other words, would mean w.p.c.27929/03 that benefit of Ext.P4 should be extended to all retired employees including persons like the petitioners also. But if the State Bank of India decides that unless and until the Rules are formally amended by a process known to law, enhanced pension cannot be given to the employees of the State Bank of India, then that shall also be uniformly applied to all retired employees of the State Bank of India and if any amount has been paid pursuant to Ext.P4 to any employees of the State Bank of India, that shall be promptly recovered. The State Bank of India shall take a decision on the basis of the above directions, as expeditiously as possible, at any rate, within four months from the date of receipt of a certified copy of this judgment.

4. The petitioners have raised other questions also regarding the validity of fixing different percentage of salary as pension to different employees based on the maximum salary payable, which are left open to the agitated by the petitioners appropriately, if necessary, in future. I make it clear that I have not considered the questions on merit in view of the above directions, which would presently satisfy the petitioners.

The writ petition is disposed of as above.

Sd/-

S.SIRI JAGAN, JUDGE

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P.A. to Judge

w.p.c.27929/03