

## **WA-252-2016**

*(PUNJAB NATIONAL BANK Vs ASHWANI KUMAR SHARMA)*

**20-06-2016**

Shri Anoop Nair, learned counsel for the appellant.

Shri S.K. Rao, learned senior counsel with Shri S.K. Chaturvedi, learned counsel for the respondents.

The appellant has filed this appeal against the order dated 10/03/2016 passed in W.P. No. 7993/2012.

The respondent was subjected to disciplinary action and in pursuance to departmental enquiry conducted against him, a punishment of compulsory retirement was imposed against him. Consequently he was retired from service w.e.f. 16/12/2002. After compulsory retirement the respondent was not paid pension, the same was denied to him by the appellant, then the respondent filed a writ petition before this Court. The writ court has held that the respondent is eligible to get the pension by the impugned order, relevant portion of the order reads as under:-

*"7. This judgment is upheld by Division Bench by a detailed order. This is not in dispute between the parties that the similar regulation, scheme and letters which were considered by Andhra Pradesh High Court are applicable to the present case. This is also clear that the employee Sreeram was also compulsory retired. In view of the judgment of Andhra Pradesh High Court which is not disturbed till the Supreme Court, I find no reason to put the petitioner to a comparatively different position. Resultantly, I deem it proper to follow the course adopted by the Andhra Pradesh High Court in Sreeram (supra). The SLP against said order is dismissed by the Supreme Court."*

The writ court has observed that Andhra Pradesh High Court has considered the similar regulation/ scheme of pension in the case of an employee who was retired compulsorily in pursuance to disciplinary action. The Division Bench upheld order of writ court that the employee is eligible to get pension. Against the aforesaid judgment a SLP was filed before the Apex Court which was also dismissed vide order dated 05/09/2014.

Learned senior counsel appeared on behalf of the respondent produced the copy of the order passed by the Apex Court in SLP (Civil) No. 35449/2013 by which the Apex Court dismissed SLP. Learned senior counsel also produced copy of the judgment passed in writ appeal No. 905/2012 by the Andhra Pradesh High Court.

In our opinion the controversy involved in this case has already been decided by the Division Bench of Andhra Pradesh High Court and against the order passed by Division Bench, SLP has also been dismissed, hence the order passed by writ court does not call for any interference, therefore, we do not find any merit in this appeal, it is hereby dismissed. No order as to costs.

**(S.K. GANGELE)**  
**JUDGE**

**(ASHOK KUMAR JOSHI)**  
**JUDGE**

**MISHRA**