



सत्यमेव जयते

न्यायालय मुख्य आयुक्त विकलांगजन  
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES  
विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities  
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment  
भारत सरकार / Government of India

Case No.: 842/1024/2014

Dated: 27.04.2017  
Dispatch No.....

In the matter of :

Shri S. Lakshminarayanan <sup>R636</sup>  
205, Cosy Towers,  
Venkatasamy Road West,  
R.S. Puram,  
Coimbatore - 641 002

.....Complainant

Versus

Union Bank of India, <sup>R637</sup>  
(Through the Chairman and Managing Director)  
Vidhan Bhavan Marg,  
Nariman Point,  
Mumbai - 400 021

.....Respondent

Date of Hearing : 06.04.2017

Present :

1. Shri S. Lakshmi Narayanan, the Complainant along with his wife Smt. K. Rajeswari Narayanan and Ms. Uma Gurumurthy.
2. Ms. Shilpa Sharma Sarkar and Shri Radhakrishan - On behalf of Respondent

ORDER

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The above named complainant a person with more than 85% locomotor disability filed a complaint dated 17.12.2013 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the 'Act' regarding pension.

2. The complainant submitted that he joined on 17.11.1976 at Tiruppur as cashier and after serving there for 2 years, he was transferred to Tudyalur, Coimbatore as Chief Cashier. Later on he was promoted as Chief Cashier and served at Tiruppur till 1995. Later he was promoted as Special Cadre Assistant and posted to Vijayamangalam in the year 1995. He met with a very bad road accident while attending to branch closing work on Sunday, dated 30.03.1997. He lost his entire right hand in the accident and suffered severe trauma which he crossed with much difficulty and determination. This being occurred while he was discharging official duty, it was treated as ON DUTY accident and the medical bill and leave was sanctioned accordingly. He was posted as Officer at Coimbatore in May, 2005, in the meanwhile years passed by and he started feeling the pinch of his deficiency in coping with

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the pressures of the banking. So he opted for Voluntary Retirement under Medical grounds with the age limit of 55 years. His case was considered positive and he was discharged from the services on 14.02.2009 after paying compensation of Rs. 8 lacs as per the rules in force. During the entire period he was a PF optee and the second option for the employees to exercise pension option was agreed upon during 2010. As he got discharged earlier, he could not avail the option. His pension application was not even received by the local Regional Office at that time. He represented to the higher authorities for which no response was received till now. However, in 2012 when the pension option benefit was further extended to officers under Sec 19 (I), again applied for the same on 30.01.2013 as he satisfied with both the clauses under this section, viz. completion of 30 years of service or 90 days notice for retirement. Though, the local Regional Office forwarded this to his Head Office, neither had he received sanction nor rejection communication.

3. The matter was taken up under Section 59 of the Act with the respondent vide this Court's letter dated 07.01.2015.

4. The Respondent vide letter dated 27.01.2015 stated that the complainant applied for premature retirement on medical grounds for which besides his terminal benefits, an ex-gratia of Rs.8.00 lacs was paid to him as per SC 4669 dated 07.11.2000. As per the Settlement/Joint Note dated 27.04.2010 between IBA and various unions, IBA advised the Bank to extend another option to join the Pension Scheme to serving employees/retirees. Bank issues Staff Circular no.5690 dated 27.08.2010 inviting applications from all the serving/retiree employees. The complainant did not apply for pension option then. Subsequently IBA extended the second pension option to VRS optees, opted under Regulation 19(1) of Officer Service Regulations, 1979. This scheme was circulated vide SC 5943 dated 16.01.2013. The applicant applied for second pension option on 01.03.2013 in response to this Circular. The respondent further stated that as the complainant's case does not fall in category of VRS under Regulation 19(1) of Officer Service Regulations, 1979, his request was not considered favorably. The case was also referred to Indian Bank Association (IBA) regarding his eligibility of pension option. IBA vide its letter no. HR&IR/KSC/UBI/G2/90 dated 07.07.2014 advised that 'employees opted for pre-mature retirement on medical grounds are not covered under the Settlement dated 27.04.2010 for another option of pension'.

5. The complainant vide his rejoinder dated 01.03.2015 submitted that he did not apply for pension when his bank issued the circular no. 5690 dated 27.08.2010. He stand to differ on this as he had applied to both local branch and also sent copies of letter to Union Bank of India, Head Office for which he has acknowledgments in his possession. He further submitted that he

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had served the Bank for full 32 years with unblemished tenure. He had suffered major loss while attending official duty at the request of the management. Though he was compensated in the eligible way at that time, his pension request is his legitimate claim for the longevity of service rendered by him. He continued to serve the Bank with the best of his capacity even after suffering heavily with a loss of his entire right hand. He has satisfied the minimum service requirements, in terms of number years and hence he should be considered for pension. A copy of complainant's rejoinder dated 01.03.2015 has been sent to the respondent for their comments vide this Court's letter dated 08.07.2015.

6. The Respondent vide its letter dated 22.07.2015 reiterated their statements as mentioned in their earlier letter dated 27.01.2015. The Court vide letter dated 26.08.2015 advised the General Manager (HR), Union Bank of India to clarify some issues mentioned in their letter dated 22.07.2015. The General Manager (HR), Union Bank of India vide letter dated 02.09.2015 reiterated the reply given by the Bank in its earlier letter dated 27.01.2015. A copy of respondent's bank's letter dated 02.09.2015 has been sent to the complainant vide this Court's letter dated 29.12.2015 for his comments.

7. The complainant vide his rejoinder dated 06.01.2016 submitted that he had not applied in 2010 format, but had applied in the prescribed format to Gandhipuram branch where he served last. As the Regional Office has not accepted his application, he appealed to his Head Office and marked a copy to the Regional Office for which also I hold acknowledgements.

8. Upon considering Respondent's replies dated 27.01.2015, 22.07.2015, 02.09.2015 and complainant's rejoinders dated 01.03.2015 and 06.01.2016, a hearing was scheduled on 06.04.2017.

9. During the hearing the complainant vide his written submissions submitted that while serving as Special Assistant in the Vijayamangalam branch of Union Bank of India he met with a bus accident. The Bank was kind enough to treat the accident as while on duty. He was granted Special Leave for 62 days and was also fully reimbursed Rs.36,571,84 towards medical expenses incurred by him for the treatment and injury. He continued to work in the Bank after the accident. He was promoted to the post of Assistant Manager in May 2005. He submitted an application seeking retirement on medical grounds and payment of lump sum amount of financial relief on 17.11.2008. Originally he was a Provident Fund Optee and therefore, he was not entitled for Pension. Pursuant to the issuance of Staff Circular No. 5690 dated 27.08.2010 by the Union Bank of India, the complainant exercised his option for Pension (second option).

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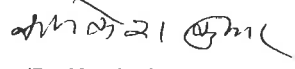
10. During the hearing the representatives of the Respondent Bank vide their written submission stated that the Complainant joined the services of the Bank on 17.11.1976 as Clerk cum Cashier and retired from the services of Bank on 14.02.2009 as Asst Manager. He was a PF Optee. The complainant applied for premature retirement on medical grounds for which besides his terminal benefits, an ex-gratia of Rs.8.00 lacs was paid to him as per inter office letter no. HRMD:MPRD(801):5682:09 dated 09.02.2009. As per Settlement/Joint Note dated 27.04.2010 between IBA and various unions, IBA advised the Bank to extend another option to join the Pension Scheme to serving employees/retirees. Bank issued Staff Circular no. 5690 dated 27.08.2010 inviting applications from all the serving/retiree employees. Accordingly second option to pension was made available to the following:

- o Existing Employees
- o Employees superannuated from the services of the Bank, i.e. upon attainment of 60 years of age.
- o Employees voluntarily retired from the services of the Bank under special scheme (VRS Scheme in Bank in the year 2000-2001)

Subsequently IBA extended the second pension option to VRS optees, opted under Regulation 19(1) of Officer Service Regulations, 1979 where only officer employees who had completed 55 years of age or 30 years of service were eligible for second option to pension. This scheme was circulate vide SC 5943 dated 16.01.2013. He applied for second pension option on 01.03.2013 in response to this circular. As his case does was not eligible either as per SC 5690 or SC 5943, his request was not considered favorably. This case was also referred to Indian Bank Association (IBA) regarding his eligibility of pension option. IBA vide its letter no. HR&IR/KSC/UBI/G2/90 dated 07.07.2014 advised that "Employees opted for pre-mature retirement on medical grounds are not covered under the Settlement dated 27.04.2010 for another option of pension. The respondent further stated that in a similar case of Smt. Sapna Roy vs Union Bank of India, where Smt. Sapna Roy took pre mature retirement on medical grounds, and filed a Writ Petition no. 28477 (W) of 2015 seeking pension from Bank, the Hon'ble High Court of Calcutta, vide its order dated 22.03.2016 has rejected her case. They submitted that in future, if IBA comes up with another pension option, the request of the complainant, if otherwise found eligible, may be considered favorably.

11. After hearing the parties and perusal of the record available, the Court has observed that there does not seems any violations of provision of Persons with Disabilities, Act, 1995.

12. The case is disposed off accordingly.

  
(Dr. Kamlesh Kumar Pandey)  
Chief Commissioner  
for Persons with Disabilities