IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY,THE SEVENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL NO: 850 OF 2025

Writ Appeal under clause 15 of the Letters Patent preferred against the Order dated 28.05.2025 in W.P. No. 14422 of 2019 on the file of the High Court.

Between:

A Susheel Kumar, S/o Late Sri A S Veera Swamy Ex Officer Syndicate Bank Varni Branch Nizamabad Dist Telangana State and R/o H No 12-11-1645 Ambernagar Jamai Osmania Warasiguda Secunderabad 500 061

...APPELLANT/APPELLANT IN W.P.

AND

1. The Branch Manage Canara Bank, Erstwhile Syndicate Bank No 80 Varni Branch Nizamabad 503 201 Telangana State
2. The General Manager Canara Bank, Erstwhile Syndicate Bank Organization and Methods Division Head Office Bangaluru
3. The General Manager Personnel Canara Bank, Erstwhile Syndicate Bank Staff Welfare Division Officers Wing Head Office Bangaluru
4. The Asst General Manager HR Canara Bank, Erstwhile Syndicate Bank Staff Welfare Division Officers Wing Head Office Bangaluru
5. The Chief Manager HR Canara Bank, Erstwhile Syndicate Bank Staff Welfare Division Officers Wing Head Office Manipal 576 104
6. The Dy General Manager Canara Bank, Erstwhile Syndicate Bank Zonal Office No 62915 HMWS and SB Building West Block II floor Khairthabad HYDERABAD 500 004

RR 1 to 6 C T is amended as per CO dt 10/03/2023 in IA 01/2023

...RESPONDENTS/RESPONDENTS

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the order passed in W.P.No. 14422 of 2019, Dated.28.05.2025 during the pendency of the appeal

Counsel for the Appellant: Ms. CHANCHAL REP SRI. P N DAYAKAR

Counsel for the Respondents: SRI DISHIT BHATTACHARJEE

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT APPEAL No.850 of 2025

JUDGMENT:

Heard Ms. Chanchal, learned counsel representing Sri P.N.Dayakar, learned counsel for the appellant.

2. This writ appeal is directed against the order dated 28.05.2025 passed in W.P.No.14422 of 2019, whereby the learned writ court has dismissed the writ petition filed by the appellant.

3. In the writ petition, the appellant made the claim for pension under the pension scheme vide circular dated 13.07.2018, which clearly provided that the option to join pension scheme can be exercised on or before 22.08.2018. The appellant's application addressed on 27.11.2018 was not processed, as it was made beyond time. The respondents-Bank (hereinafter referred to as, "the Bank") took a plea that the circular was notified on the notice board and also in the website of the Bank, which is

sufficient notice. On the other hand, it is to be taken note that the appellant was dismissed from service on 19.11.1998. In W.P.No.13987 of 1999, the order of dismissal was modified into compulsory retirement vide judgment dated 17.03.2015. The appellant's gratuity amount was paid after setting off the loans in terms of the provisions of the Payment of Gratuity Act, 1972. The learned writ court, after consideration of the pleadings on record and the decisions cited by the rival parties, held that the appellant's claim is beyond the cut-off date specified under the pension scheme and could not have been entertained. Being aggrieved, the appellant is in appeal.

4. Learned counsel for the appellant has drawn our attention to the judgment of the learned Single Bench of the High Court of Karnataka in **K.G.Krishna Murthy v. Union of India**[1]. He has also relied upon the decision of

[1] 2002 SCC OnLine Kar 514

the Hon'ble Supreme Court in **Union of India v. Tarsem Singh**[2].

5. The scheme under which the appellant was eligible to avail pension was apparently a onetime scheme, which prescribes a cut-off date. It also prescribes that it is extendable to compulsorily retired officers who have been retired from service of the Bank on or before the date of the settlement i.e., 27th April, 2010. The cut-off dates prescribed under such schemes have sanctity. The cut-off date is not under challenge. In the absence of any demonstrable grounds of arbitrariness, the writ court is advised to avoid interfering in the fixation of cut-off date, which the learned writ court has duly observed. It is surprising that the appellant, who had been dismissed from service in the year 1998 and his dismissal was modified to the punishment of compulsory retirement by interference of this court in previous round of litigation, was totally oblivious of such a scheme and failed to meet the cut-off date i.e., 22.08.2018, though the pension

[2] (2008) 8 SCC 648

scheme was duly uploaded on the website and also on the notice board of the Bank. Publication on the website is sufficient notice to the public at large and, more so, the employees of the Bank.

6. We have also taken note of the judgment rendered in the case of **K.G.Krishna Murthy** (supra) relied upon by the appellant. We are, however, not persuaded by the reasonings recorded therein that even if the publication was made in the newspaper, it did not fulfil the criteria of proper service or actual service. The case of **Tarsem Singh** (supra) stands on a different footing. It related to a case of denial of disability pension. The Apex Court held it to be a continuing wrong. However, the Apex Court observed that the consequential relief relating to arrears normally should be restricted to a period of three years prior to the date of filing of the writ petition. In the said case, there was a delay of sixteen years in seeking disability pension by the respondent. No issue of fixation of any cut-off date for obtaining pension under a pension scheme was involved in the said case. The ratio of the said decision is therefore not

applicable to the present case. In those circumstances, the learned writ court rightly held that once the circular had been notified in the Bank's website under the retirees portal, it cannot be said that the appellant was not informed or aware of the same. We, therefore, do not find any error in the impugned judgment calling for interference.

7. Accordingly, the instant appeal is dismissed. However, there shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

SD/-N. SRIHARI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI. P. N. DAYAKAR, Advocate [OPUC]
2. One CC to SRI. DISHIT BHATTACHARJEE, Advocate [OPUC]
3. Two CD Copies

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HIGH COURT

DATED:07/08/2025



JUDGMENT

WA.No.850 of 2025

DISMISSING THE WRIT APPEAL WITHOUT COSTS

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ASV
28/08/25