

**SUPREME COURT OF INDIA**

Allahabad Bank

Vs.

Ishwar Saran

C.A.No.11337 of 2017

(Kurian Joseph and R.Banumathi,JJ.,)

07.09.2017

**JUDGMENT**

**Kurian Joseph,J.,**

SLP(Civil)No.15250 of 2013

1. Leave granted.
2. Heard Mr. Dhruv Mehta, learned senior counsel appearing for the appellants and Mr. Jitendra Sharma, learned senior counsel appearing for the respondents/employees.
3. The respondents/employees of Appellant No.1 Bank had approached the High Court praying for a direction for payment of pension under the Allahabad Bank (Employees) Pension Regulation, 1995 and also family pension in the case of some of the employees.
4. It is the contention of the learned senior counsel appearing for the appellant(s)/Bank that the Scheme under the 1995 Regulation is not available to the respondents/employees for the main reason that there was no option exercised by them and as per the option exercised by them under the 2010 Scheme the Bank has sanctioned pension and all the respondents/employees are in receipt of pension under the 2010 Scheme. According to the learned senior counsel appearing for the respondents, it is a case not of no option but a case of belated option and the respondents/employees are receiving pension only under protest.
5. Be that as it may, we find that the High Court has not gone into any of these aspects and several other contentions available to both the parties, apparently for the reason that the High Court chose to rely upon two earlier orders of the High Court dated 5.10.2005 and 18.5.2007.
6. Having regard to the serious disputed issues in the case and the contentions raised by the parties, we are of the view that the matter needs to be remitted to the High Court so as to enable the High Court to consider the matter on merits.

7. Having regard to the contentions raised by both the parties, we make it clear that the contentions of the appellant that the earlier judgments have no application to the facts of this case will also be necessarily looked into by the High Court. Since it is an old matter and also being a pension case, we request the High Court to dispose of the writ petition expeditiously, preferably within six months from the date of receipt of a copy of this judgment.

8. We make it clear that we have only referred to the minimum facts and we have consciously refrained from referring to other contentions, since this Court feels that all the contentions available to both the parties should be left open to be decided by the High Court.

9. The appeal is, accordingly, disposed of.

10. Pending applications, if any, shall stand disposed of.

11. There shall be no orders as to costs.