17 **27.08.2026**

<u>Ct. No. 18</u>

Ab

WPA 19274 of 2026

Modan Mohan Mondal
Vs.
Union of India and others.

Mr. Satrajeet Sen,
Mr. Lalratan Mondal.
... for the petitioner.

Ms. Soma Chakraborti.
... for the respondent no. 1.

Ms. Parna Roy Chowdhury,
Ms. Trina Chanda.
... for the Bank.

1. The petitioner is aggrieved that his application for taking benefit of Circular No. 6 of 2018 dated June 7, 2018 has been rejected by the authorities.
2. The petitioner was an employee of the Punjab National Bank since 1978. After years of service, the petitioner retired under the Compulsory Retirement Scheme, sometime in 2006.
3. The petitioner submits that the employees like the petitioner, who have served between the period September 29, 1995 to April 27, 2010, were given an option by the said Circular. By this Circular, the persons like the petitioner would get pension from the respective date of their retirement on the basis of the terms and conditions spelt out therein.
4. Mr. Sen, learned Advocate appearing for the petitioner, submits that the said Circular applies squarely to his client and he was entitled to get benefit therein.

5. He further submits that the Circular was not sufficiently advertized or widely published on account whereof the petitioner was not aware of such Circular till 2020.
6. The Circular specifies that the exercise of the option has to be made in writing within a period of 60 days from the date of offer i.e. June 7, 2018 to enable an incumbent to become the Member of a Pension Fund. The Circular further provides that an interested incumbent would have to refund within the 30 days after expiry of the said period of 60 days, the entire amount of Bank's contribution to the Provident Fund and interest accrued thereon received by such person on Compulsory Retirement plus 86% of the said amount as his/her share in contribution towards meeting the funding gap as per the settlement. The petitioner has not done these within the time stipulated. This default, according to Mr. Sen, is on account of lack of sufficient publicity of the said Circular.
7. He has placed reliance on two decisions of the Hon'ble Supreme Court of India in case of **Calcutta Port Trust and others vs. Anadi Kumar Das (Captain) and others**, reported in **(2014) 3 SCC 617** and **Bank of India and others vs. Muthyala Saibaba Suryanarayan Muthy and another**, reported in **2025 SCC Online SC 585**. He has also relied on a decision of the Hon'ble Division Bench of this Court in **Board of Trustees for the Port of Kolkata and another vs. M.S. Khandpur**

and others, reported in **(2008) 3 CHN 1005**.

8. Ms. Roy Chowdhury, learned Advocate appearing for the Bank, submits that the Circular had received sufficient publicity and was made available in the Bank's website for all concerned to avail the opportunity of such a Scheme.
9. She further submits that the opportunity to avail of the Scheme has been provided in the Scheme itself and was limited to a period of 60 days between June 15, 2018 to August 13, 2018. Thus, presently there is no Scheme available, which the petitioner can avail.
10. I have heard the learned Advocates appearing for the parties and considered the decisions relied upon by them and the record of this case.
11. The only issue that has been addressed by the petitioner is that the insufficient publicity of the Circular, on account whereof the petitioner was unaware of such a Scheme. The petitioner's application was made sometime in 2020. The rejection of the application was made sometime in 2024 on the account of delay. There are, thus, two enlarged timelines which the petitioner has to explain. The first timeline is between 2018 to 2020. The Circular of 2018 stipulated fixed dates within which any interested persons had to apply. According to the petitioner, he was unaware of the same and, therefore, could not apply in 2018 within the stipulated timelines. The petitioner submits that the application

was made sometime in 2020. There is absolutely no explanation as to how the Circular of 2018, which was available in the website, was not available to the petitioner in 2018 but magically came to his knowledge in 2020. If the petitioner was aware of the Circular of 2020, he ought to have made the same efforts in 2018 to be able to take advantage of the said Circular.

12. The second and far more pressing timeline is between 2020 till filing of this writ petition in July 2026. There is absolutely no explanation as to why for the period of six years, the petitioner has chosen not to approach the Court or ventilate his grievance in any manner. Mere repeated representations on the same issue do not enlarge the time nor create a safe zone for the petitioner to plead later that he had taken steps to pursue his rights. In fact, the rejection of the petitioner's request in 2024 has been assailed almost after two years in this writ petition. There is no satisfactory or cogent explanation of such delay.

13. Adverting to the question of insufficiency of publicity of the advertisement, the same seems to be unfounded. The Bank has a process, which it follows for all its Circulars, Memorandums and Notifications; to advertise the same in its official website. In this case also, such publicity had been done and the Advertisement No. 6 of 2018 was available in the website of the Bank. The petitioner has not challenged this issue.

14. The decisions relied upon by Mr. Sen are quite clear and unequivocal. The decision of this Hon'ble Court in M.S. Khandpur and others (supra) relates to a case where there was no advertisement and no publicity at all of the relevant Scheme. This is not the case in this matter. The advertisement of the Scheme had been published in its website, which is an admitted fact.
15. The decision of the Hon'ble Supreme Court of India in Anadi Kumar Das (Captain) and others (supra) is also in a matter where insufficiency of publicity was an issue and it had been held by the Hon'ble Supreme Court that the Scheme had been insufficiently published. Again, this is not a case where there is any insufficiency of publicity.
16. In fact, the decision of Bank of India and others (supra), the Hon'ble Supreme Court of India clearly records in no uncertain terms that "considerations of sympathy, grace, charity, or compassion do not have any place where a subject is called upon to exercise his option upon a settlement executed by and between the parties, one of which represents the subject himself, and such settlement is binding on the parties during its validity. If belated options are to be accepted, it would bring in its train chaos, confusion and public inconvenience without there being any end in sight and unsettle the very settlement reached by and between the parties, which is the foundation of the rights of the subjects".

17. The petitioner's belated application after almost two years cannot revive a right, which stood extinguished in 2018 as that would tantamount to revival of the petitioner's right to avail of the Scheme.

18. In view of the afore-stated discussions and deliberations, the following conclusions are inevitable.

    (a) The Advertisement No. 6 of 2018 dated June 7, 2018 had been duly published in the official website of the Bank to which all persons including the petitioner had noticed and knowledge.

    (b) The petitioner has failed to give any explanation as to why the petitioner delayed the entire process for a period of more than 8 years.

    (c) The delay caused by the petitioner and approaching this Court after a period of six years from the date of his application and eight years from the date on closure of the timelines to apply for the Scheme has not been explained at all.

19. In view of the afore-stated, the writ petition fails and is, accordingly, dismissed.

20. There shall, however, be no order as to costs.

21. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Reetobroto Kumar Mitra, J.)