

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION [C] No.....of 2008 [CC 13831/2008]

Punjab & Sind Bank through
its Chairman & Ors.

... Petitioners

Vs.

Tej Partap Singh & Ors.

... Respondents

O R D E R

Delay condoned.

2. The petitioners submit that the High Court while holding that the respondents, who retired under Voluntary Retirement Scheme, 2000 of the first petitioner Bank, were entitled to Leave Fare (Travel) Concession, purported to follow its earlier decision dated 10.1.2007 in Civil Writ Petition 6406/2006 -- *Baldev Singh Vs. Punjab & Sind Bank*. It is submitted that the decision in *Baldev Singh* had nothing to do with Leave Fare Concession which is the subject-matter of this petition. It is pointed out that *Baldev Singh* related to adding five years to qualifying service for purposes of pension. It is contended that the

High Court has not discussed the entitlement to Leave Fare Concession, and therefore the matter requires remand.

3. A careful reading of the impugned judgment shows that the High Court referred to *Baldev Singh* only for the purpose of following its *ratio* that in addition to benefits of VRS, the employees of the Bank who have opted for voluntary retirement are also entitled to and eligible for all other retirement benefits to which an employee may be entitled to under the rules and regulations of the Bank and bipartite settlements/awards.

4. Though the judgment does not specifically refer to the Punjab & Sind Bank Officers Service Regulations, 1982 ('Regulations' for short), it is clear that the High Court was referring to the contention of the employees that under Regulation 44(1) of the said regulations, they were eligible for Leave Travel Concession and that could not be denied to them by relying upon the Circular dated 28.11.2000.

5. We agree that the judgment could have been a little more detailed. But the lack of detailed reasons cannot by itself be a ground for remand, when it is discernible from

the judgment that the High Court was referring to Regulation 44(1) of the Regulations, read with Clause (4) of the Bank's VRS Scheme, 2000, to hold that the respondents are entitled to the benefit of Leave Travel Concession.

Therefore, this is not a fit case for exercise of discretion under Article 136 of the Constitution to grant leave. The special leave petition is accordingly dismissed.

J.
(R. V. Raveendran)

New Delhi;
December 8, 2008.

J.
(D. K. Jain)

