



2025:DHC:10299



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of decision: 21.11.2025.**+ **W.P.(C) 5577/2022****PANKAJ KUMAR PATHAK**

.....Petitioner

Through: Mr. Ravi Bassi and Mr. Nitin  
Kumar, Advs. alongwith the  
petitioner in person.

versus

**CANARA BANK ERSTWHILE SYNDICATE BANK****THROUGH ITS GENERAL MANAGER** .....Respondent

Through: Mr. Puneet Taneja, Sr. Adv.  
with Mr. Manmohan Singh  
Narula, Mr. Amit Yadav and  
Mr. Anil Kumar, Advs.

**CORAM:****HON'BLE MR. JUSTICE AVNEESH JHINGAN****AVNEESH JHINGAN, J. (ORAL)**

1. This petition is filed raising a grievance against deduction of 1/3<sup>rd</sup> pension of the petitioner.
2. The brief facts are that the petitioner on 14.02.1983 joined as Probationary Officer with Syndicate Bank and on successful completion of probation was confirmed.
  - 2.1 The Syndicate Bank merged into Canara Bank. On 04.07.2017, the petitioner was chargsheeted under the provisions of Regulation No. 3 of Syndicate Officer Employees (conduct) Regulations 1976. The departmental proceedings culminated in penalty order dated 27.08.2018, compulsorily retiring the petitioner and this order attained finality after dismissal of the appeal. The pension was given to the



petitioner after one third deduction. Hence, the present petition.

3. Learned counsel for the petitioner submits that the deduction of the pension is in violation of principles of natural justice. There is no order passed for deduction of pension, in any case nothing has been communicated to the petitioner till date.

4. Learned counsel for the respondent submits that from the calculation sheet and from the pension order, it is evident that one third pension was deducted consequent to punishment of the compulsory retirement imposed on the petitioner.

4.1 Reliance is placed upon Regulation No. 33 of Syndicate Bank (employees) Pension Regulations, 1995 (for short referred to as '1995 Regulations') to contend that the petitioner was not entitled to full pension. It is further argued that there is a delay in filing the writ petition.

5. Regulation No.33 is quoted:-

*33. Compulsory Retirement Pension:*

*(1) "An employee compulsorily retired from service as a penalty on or after 1st day of November, 1993 in term of Syndicate Bank Officer Employees' (Discipline and Appeal) Regulations 1976 or awards/settlements may be granted by the Authority higher than the Authority Competent to impose such penalty, pension at a rate not less than two thirds and not more than full pension admissible to him on the date of his compulsory retirement if otherwise he was entitled to such pension on superannuation on that date".*

*(2) Whenever in the case of a bank employee the Competent Authority passes an order (whether original; appellate or in exercise of*



*power of review) awarding a pension less than the full compensation pension admissible under these regulations, the Board of Directors shall be consulted before such order is passed.*

*(3) A pension granted or awarded under Sub-regulation (1) or as the case may be, under Sub-regulation (2), shall not be less than the amount of rupees three hundred and seventy five mensem.*

6. The Regulation No. 33 (1) stipulates that if an employee is penalized with compulsory retirement after November 1, 1993, the employee may be granted a pension of not less than two-thirds and not more than the full pension that would have been admissible on the date of compulsory retirement. The decision can only be made by an authority higher than the punishing authority. The condition is that the employee would have otherwise been entitled to such pension on superannuation on that day.

6.1 Under regulation No. 33 (2), where the competent authority passes an order awarding pension less than the full compensation pension admissible under the 1995 Regulations, the Board of Directors is to be consulted before passing such an order.

7. No order after consultation by the Board of Directors as mandated in Regulation 33(1) of 1995 Regulation was passed by competent authority deciding that one third pension of the petitioner was to be deducted.

8. The reliance of the learned counsel for the respondent on the calculation sheet and pension order is of no avail and these documents are not the order as required to be passed under Regulation No. 33 (2).



9. The law is well settled that even in an administrative decision having civil consequences, principles of natural justice are required to be followed. A passing of a reasoned order and communicating reasons to the affected party falls within the principles of natural justice. Reference in this regard in the case of **M/s Kranti Associates Pvt. Ltd. And another v. Sh. Masood Ahmed Khan and others reported in 2010(9) SCC 496** held as under:

*“a. In India the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially.*

*b. A quasi-judicial authority must record reasons in support of its conclusions.*

*c. Insistence on recording of reasons is meant to serve the wider principle of justice that justice must not only be done it must also appear to be done as well.*

*d. Recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power.*

*e. Reasons reassure that discretion has been exercised by the decision-maker on relevant grounds and by disregarding extraneous considerations.*

*f. Reasons have virtually become as indispensable a component of a decision making process as serving principles of natural justice by judicial, quasi judicial and even by administrative bodies.*



- g. Reasons facilitate the process of judicial review by superior Courts.*
- h. The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favour of reasoned decisions based on relevant facts. This is virtually the lifeblood of judicial decision-making justifying the principle that reason is the soul of justice.*
- i. Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is to demonstrate by reason that the relevant factors have been objectively considered. This is important for sustaining the litigants' faith in the justice delivery system.*
- j. Insistence on reason is a requirement for both judicial accountability and transparency. If a Judge or a quasi-judicial authority is not candid enough about his/her decision making process then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.*
- l. Reasons in support of decisions must be cogent, clear and succinct. A pretence of reasons or “rubber-stamp reasons” is not to be equated with a valid decision-making process.*
- m. It cannot be doubted that*



*transparency is the sine qua non of restraint on abuse of judicial powers. Transparency in decision making not only makes the judges and decision-makers less prone to errors but also makes them subject to broader scrutiny.*

*n. Since the requirement to record reasons emanates from the broad doctrine of fairness in decision making, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence.*

*o. In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of "Due Process".*

10. The action of the respondent bank of deducting one third pension of the petitioner is vitiated by non-compliance of Regulation no. 33, is in violation of natural justice and consequently is set aside.

11. The bank shall be at liberty to proceed in accordance with law.

12. The petition is accordingly allowed.

**AVNEESH JHINGAN, J.**

**November 21, 2025/Pa**

Reportable:- Yes