$~13

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 10777/2025

SAVITRI DEVI .....Petitioner

Through: Ms. Saahila Lamba and Ms. Nidhi Sharma, Advocates.

versus

BANK OF MAHARASHTRA AND ANR .....Respondents

Through: Mr. V.K Gupta, Ms. Kaushiki Kashyap, Advocates.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% 07.07.2026

1. The Petitioner, widow of late Shri Ramesh Chand, seeks a writ of mandamus directing the Bank of Maharashtra ("Bank") to extend to her the benefit of the pension/family pension scheme introduced pursuant to the Settlement/Joint Note dated 27th April, 2010.

Facts

2. Late Shri Ramesh Chand joined the services of the Bank on 1st March, 1985. He died in harness on 12th February, 2006. At the time of his death, he was governed by the contributory provident fund regime. The provident fund and gratuity benefits payable on his death were thereafter settled by the Bank on 24th July, 2006. The Petitioner does not dispute receipt of those terminal dues.

3. The dispute arises out of the implementation of the Settlement/Joint

Note dated 27th April, 2010, whereby the Bank extended a one-time opportunity to specified categories of serving employees, retired employees and the families of deceased employees, to opt for the Pension Scheme, subject to the prescribed terms and conditions. Pursuant thereto, the Bank issued a Circular dated 18th August, 2010 to all its branches/offices prescribing the eligibility, procedure and timelines for exercising the option.

4. The Circular included within its ambit the families of employees who had joined the Bank prior to 29th September, 1995 and had died while in service after that date. The Petitioner, being the widow of an employee who had joined the Bank in 1985 and died in harness in 2006, fell within that category. However, the benefit of the Pension Scheme was not automatic. It was available only upon the eligible person exercising the prescribed option in the manner and within the period stipulated under the Circular.

5. For families of deceased employees, the Circular required the prescribed option in Annexure III to be submitted within sixty days from the date of the Circular, i.e., on or before 18th October, 2010, to the nearest branch of the Bank of Maharashtra. The Branch/Office was required to acknowledge the option form with the date of receipt, retain one copy for its record, and forward the forms to the respective Regional Offices, which were in turn required to consolidate them and transmit them to the Dy. General Manager (HRM), Central Office. The Circular further stipulated that employees, retired employees and families of deceased employees whose option forms were not received at the Branch/Office within the stipulated period would not be eligible for pension or family pension.

Contentions

6. The Petitioner submits that she exercised the option under the Scheme

by submitting the prescribed Annexure III on 2nd March, 2011 and was ready and willing to refund the Bank's contribution to the Provident Fund, together with interest and the additional amount stipulated under the Scheme. In support, she relies upon the option form dated 2nd March, 2011 and a handwritten letter dated 30th December, 2013 addressed to the Bank, asserting that the option form had been submitted at the Connaught Place Branch and requesting intimation of the amount required to be deposited. It is further submitted that despite her request, the Respondents never intimated the amount payable under the Scheme, thereby preventing her from depositing the requisite amount.

7. The Petitioner further relies upon the Bank's internal correspondence dated 18th January, 2014 and 24th January, 2014. It is her case that the letter dated 18th January, 2014 records her claim that the option form had been submitted in March 2011 but had not been forwarded to the Head Office, while the reply dated 24th January, 2014 required the Branch to obtain the requisite documents from the Petitioner and re-submit the complete set of papers for consideration on merits. This correspondence, it is argued, demonstrates that the Bank was aware of her claim and cannot now reject it on the ground of non-submission or missing records.

8. It is further submitted that the Circular contemplated that its contents be communicated to all eligible families of deceased employees, but no material has been placed on record to show that the Petitioner was informed of the option before 18th October, 2010. In any event, the option form was submitted on 2nd March, 2011, barely four months after the stipulated date, and the delay was liable to be condoned. The Petitioner also places reliance on the personal and family circumstances pleaded in the writ petition,

including her age, limited literacy, successive family bereavements and the COVID-19 pandemic, as the reason for not pursuing the matter earlier.

9. *Per contra,* the Bank contends that the Petitioner never submitted a valid option form within the prescribed time. The Circular was categorical: the last date for submission was 18th October, 2010, and families whose forms were not received by that date were not eligible for family pension. The Bank further submits that the option form relied upon by the Petitioner is itself dated 2nd March, 2011, i.e., much after the last date. It does not bear any receiving, acknowledgment, date-stamp or contemporaneous endorsement of the branch evidencing submission. It is further contended that there is no record at the Branch, Zonal Office, Regional Office or Head Office showing receipt of the Petitioner's option form within time or even on 2nd March, 2011. The Petitioner did not refund the provident fund amount and did not comply with the conditions of the circular.

10. The Bank also raises a serious objection of delay and laches. It submits that even assuming the correspondence of January 2014 was exchanged, the Petitioner took no meaningful step thereafter for more than a decade and approached this Court only in 2025. A claim founded on a one-time option issued in 2010, cannot be revived after such unexplained delay by addressing representations or filing an RTI application in 2024.

Points for consideration

11. On the basis of pleadings and documents on record and submissions advanced, the following questions arise for consideration:

(i) Whether the Petitioner has established an enforceable legal right to be brought under the pension/family pension scheme pursuant to the Settlement/Joint Note dated 27th April, 2010;

(ii) Whether the option form dated 2nd March, 2011 and the correspondence of January 2014 cure the Petitioner's failure to comply with the terms of the circular dated 18th August, 2010;

(iii) Whether the writ petition is liable to be dismissed on the ground of delay and laches.

Analysis

12. It is well settled that a writ of mandamus can be issued only where the applicant establishes a subsisting legal right and a corresponding legal duty on the part of the respondent. The duty sought to be enforced must be one arising under the Constitution, a statute, rules or orders having the force of law. Equally, no writ of mandamus can be issued to compel an authority to act contrary to the governing law, rules, circular or scheme.[1] In the present case, before any such direction can issue, the Court must therefore examine whether the Petitioner has satisfied the conditions on which the asserted right is founded. Unless compliance with the governing scheme is established, no enforceable entitlement capable of protection through mandamus can arise.

13. The foundation of the Petitioner's claim is the Circular dated 18th August, 2010. The Circular undoubtedly extended a one-time opportunity to specified categories of employees, retired employees and families of deceased employees to opt for the Pension Scheme. The Petitioner, as the widow of an employee who died in harness after 29th September, 1995, fell within the eligible category. However, eligibility by itself did not confer a right to pension. The benefit remained conditional upon the prescribed option being exercised within the stipulated time and in accordance with the

Scheme. The question, therefore, is whether those requirements stood satisfied.

14. The Circular is explicit on the procedure. The option was required to be exercised in Annexure III and submitted to the nearest branch on or before 18th October, 2010. The Branch was required to acknowledge receipt of the option form and retain one copy, while the Circular expressly stipulated that employees, retired employees and families of deceased employees whose option forms were not received within the prescribed period would not be eligible for pension or family pension.

15. The option form relied upon by the Petitioner is dated 2nd March, 2011. Even if the document is accepted as having been filled on that date, it is admittedly beyond the last date of 18th October, 2010. More importantly, the Petitioner has not produced any acknowledgment from the Bank showing that the form was received by the Branch on 2nd March, 2011. The circular itself contemplated that an acknowledged copy would be retained by the family member. No such acknowledged copy bearing the branch receipt or date-stamp has been produced.

16. The Petitioner's failure to establish compliance with the prescribed procedure goes to the root of her claim. The requirement of exercising the prescribed option within the stipulated period is not merely procedural; it is constitutive of the right claimed under the Scheme. In the absence of such compliance, no enforceable right to pension accrues. The Court cannot invoke equitable considerations to create an entitlement *de hors* the Scheme.

17. Considerable reliance has been placed upon the Branch letter dated 18th January, 2014. However, the document does not advance the

---

[1] ***State of U.P. & Ors. v. Harish Chandra & Ors.*** (1996) 9 SCC 309.

Petitioner's case to the extent suggested. The communication cannot be read as an unequivocal acknowledgment by the Bank that a valid option had been submitted and acted upon in March 2011. The letter was issued in response to the Petitioner's assertion that she had submitted the option form but had received no further communication. While forwarding a copy of the option form to the Head Office, the Branch expressly recorded that, despite a search of its records, it could not trace any document evidencing its earlier transmission to the Head Office. The communication, therefore, does not verify the Petitioner's assertion; it merely places the matter before the Head Office for verification. It reflects uncertainty in the Bank's records rather than confirmation of the Petitioner's claim.

18. At the highest, the letter establishes that by January 2014 a copy of the option form was available with the Branch and that the Branch sought guidance from the Head Office. It does not establish that the option had been submitted within the prescribed period or in the manner contemplated by the Circular. Nor does it amount to acceptance of the Petitioner's option or condonation of the delay.

19. The Head Office's reply dated 24th January, 2014 carries the matter no further. It merely records that the original pension papers had not been received, forwards a fresh set of family pension forms and calls upon the Branch to obtain the requisite documents and resubmit the papers for consideration. The communication neither determines the Petitioner's entitlement nor relaxes the prescribed cut-off date. It is an internal administrative communication intended to facilitate examination of the claim and cannot be construed as acceptance of the Petitioner's option or as creating any enforceable right in her favour.

20. The Petitioner is justified in contending that the Bank ought to have acted with greater clarity and procedural certainty in 2014. If the Bank considered the claim to be barred by the prescribed cut-off date, it was incumbent upon it to communicate that position unequivocally. Equally, if the processing of the claim was contingent upon the submission of additional documents, the Bank was expected to ensure that such requirement was effectively conveyed through the concerned Branch. The record, to that extent, does reveal a degree of administrative laxity and indecision. However, such administrative shortcomings, howsoever regrettable, cannot operate to create or enlarge an entitlement that is otherwise unavailable under the governing circular. A claim to family pension must derive its legitimacy from the applicable scheme itself and not from procedural omissions in its implementation. The Court, therefore, cannot elevate an internal correspondence or a request for further documentation into a definitive determination conferring a substantive right to family pension.

21. Even assuming that the Petitioner was not informed of the Scheme before 18th October, 2010, the record clearly establishes that she was aware of it by at least 2nd March, 2011, when, as per her own pleadings, she filled the option form. Her subsequent letter dated 30th December, 2013, requesting the Bank to intimate the amount required to be deposited, reinforces this position. The Petitioner also states that the matter was being pursued on her behalf by her son, Mukesh Kumar, an employee of the Bank. In these circumstances, the plea of ignorance cannot be carried beyond 2nd March, 2011, and the delay thereafter remains unexplained.

22. Equally unpersuasive is the contention that the Bank failed to quantify

the amount payable by the Petitioner. The obligation to undertake such quantification would arise only upon receipt of a valid option submitted within the framework of the scheme and accepted for processing. In the present case, the Petitioner has failed to establish that any option was submitted within the prescribed period. The option form relied upon by her is, on her own showing, beyond the stipulated cut-off date, and no acknowledgment or other reliable proof of its receipt by the Bank has been produced. In the absence of compliance with this foundational requirement, no corresponding obligation upon the Bank to process the claim or determine the payable amount can be said to arise.

23. The Court is mindful that family pension is a beneficial and welfare-oriented measure intended to secure financial support for the family of a deceased employee. Nevertheless, the beneficial character of a scheme does not mean the Court can disregard its express terms. While welfare provisions merit a purposive and liberal construction, such interpretation cannot extend to rewriting the scheme itself or converting a time-bound, one-time option into an unrestricted and perpetual entitlement. Where the scheme expressly stipulates the manner of exercise of the option, prescribes a cut-off date, and imposes attendant financial conditions, those requirements constitute integral components of the scheme. A writ court cannot direct admission into the scheme in disregard of such conditions, particularly where the family has already received the terminal benefits available under the provident fund regime.

24. The Petitioner's claim is, in any event, liable to be rejected on the ground of delay and laches. As noticed above, the Petitioner claims to have exercised the option on 2nd March, 2011 and thereafter addressed a

representation on 30th December, 2013, which resulted in the internal correspondence exchanged in January 2014. However, no further steps were taken thereafter. The matter remained dormant until the Petitioner submitted a representation and sought information under the RTI Act in 2024, followed by the institution of the present writ petition in 2025.

25. This is not a case where an aggrieved person, acting with reasonable diligence, approached the Court promptly upon being denied a benefit. Rather, it is a case where, despite being aware of the scheme and despite the matter having been examined by the Bank in 2014, no legal proceedings were initiated for more than a decade. Such extraordinary and unexplained delay strikes at the very maintainability of a claim under Article 226 of the Constitution, where relief is discretionary and governed by equitable considerations.

26. The explanations advanced by the Petitioner, namely her dependence upon her son, his subsequent illness and demise, and the financial and personal hardships faced by the family, undoubtedly evoke sympathy. The Court does not disregard the difficulties that may have confronted her. However, equitable considerations cannot override the settled principles governing the exercise of writ jurisdiction. A litigant invoking Article 226 is required to act with reasonable diligence, and personal hardships, however genuine, cannot by themselves justify prolonged inaction extending over several years. Significantly, no satisfactory explanation has been furnished for the complete inactivity that followed the correspondence exchanged with the Bank in 2014. In these circumstances, the delay cannot be regarded as either incidental or excusable.

27. The jurisdiction under Article 226 is discretionary. The Court does

not act as if there is no limitation merely because none is statutorily prescribed for a writ petition. Stale claims are not entertained where the delay has resulted in uncertainty, loss of records, or prejudice to administrative finality. The Supreme Court has repeatedly held that repeated representations do not revive a dead or stale claim. In ***C. Jacob v. Director of Geology and Mining***,[2] the Supreme Court cautioned against entertaining stale claims merely because a representation was made after long delay. In ***Union of India v. Tarsem Singh***,[3] the Supreme Court recognised the doctrine of continuing wrong in service jurisprudence, but clarified that it operates only as an exception to the general rule of delay and laches.

28. The present case does not fall within that exception. This is not a situation where pension had been sanctioned and the Petitioner complains of wrong computation or non-payment of an admitted recurring benefit. The Petitioner first seeks entry into a pension scheme on the basis of a one-time option that had to be exercised in 2010. Her very entitlement is disputed. The foundation of the claim is stale. The later representation of 2024 and the RTI reply dated 31st December, 2024 do not revive the cause of action.

29. A closely analogous factual situation arose in ***Pepsu Road Transport Corporation, Patiala v. Mangal Singh***,[4] where employees governed by the CPF Scheme were granted a one-time opportunity to migrate to the Pension Scheme by exercising the prescribed option within the stipulated period. The Supreme Court held that non-compliance with the mandatory conditions governing the exercise of the option was fatal to the claim and that pension could not be granted contrary to the Scheme. The same principle governs the

---

[2] (2008) 10 SCC 115.
[3] (2008) 8 SCC 648.

present case. The Petitioner may have been eligible to opt under the circular dated 18th August, 2010, but having failed to establish timely and valid exercise of the prescribed option, she cannot claim family pension *de hors* the terms of the Scheme.

30. For these reasons, the Petitioner has failed to establish an enforceable legal right to be extended the benefit of the pension/family pension scheme under the Settlement/Joint Note dated 27th April, 2010. The writ petition is also barred by gross delay and laches.

31. The writ petition is accordingly dismissed.

SANJEEV NARULA, J

JULY 7, 2026/ab

---

[4] (2011) 11 SCC 702.