

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

WP(C).No. 23348 of 2010 (P)

PETITIONER(S):

K.V.NEELAKANDA PILLAI,
AGED 68 YEARS, S/O.PARAMESWARAN PILLAI
KANJIRAKATTU VEEDU, ENANALLUR P.O., MUVATTUPUZHA
ERNAKULAM DISTRICT., (RETIRED CLERK, CANARA BANK
BALUSSERY BRANCH, KOZHIKODE-673 612).

BY ADVS.SMT.P.RANI DIOTHIMA
SRI.T.K.SANDEEP
SRI.ARJUN SREEDHAR

RESPONDENT(S):

1. CANARA BANK, REPRESENTED BY ITS
DEPUTY GENERAL MANAGER, INDUSTRIAL RELATION, SECTION
PERSONAL WING, HEAD OFFICE 112, J.C.ROAD
BANGALORE-2.
2. DEPUTY GENERAL MANAGER, CANARA BANK,
STAFF SECTION, (W)/(O) CIRCLE OFFICE
THIRUVANANTHAPURAM.
3. UNION OF INDIA REPRESENTED BY
ITS SECRETARY, MINISTRY OF FINANCE, NEW DELHI-600 001.

R,R1-2 BY ADV. SRI.E.K.NANDAKUMAR
R,R1-2 BY ADV. SRI.A.K.JAYASANKAR NAMBIAR
R,R1-2 BY ADV. SRI.K.JOHN MATHAI
R,R1-2 BY ADV. SRI.P.BENNY THOMAS
R,R1-2 BY ADV. SRI.P.GOPINATH
R,R1-2 BY ADV. SRI.S.RAMU
R3 BY SRI.N NAGARESH, ASGOF INDIA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
11-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 23348 of 2010 (P)

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1; TRUE COPY OF THE APPLICATION DT 15.03.1999

EXT.P2: TRUE COPY OF THE LETTER DT 15.02.2005

EXT.P3: TRUE COPY of the LETTER DT 15.05.2006

RESPONDENTS EXHIBITS: NIL

TRUE COPY

P.A TO JUDGE

jma

K. VINOD CHANDRAN, J

W.P(C) No. 23348 of 2010

Dated this the 11th day of September, 2015

J U D G M E N T

The petitioner is aggrieved with the fact that the petitioner was not considered for being granted the ex-gratia payment under a scheme introduced by the respondent Bank for persons who retired from the service of the Bank prior to 31.12.1985. The petitioner asserts that he retired from service on 1.5.1985 and he is entitled to such benefit.

2. Primarily it is to be noticed that the scheme itself was introduced in the year 1999. The petitioner approached the Banking Ombudsman in the year 2005 and the Banking Ombudsman found that the complaint was made to the Ombudsman before one month from the date of written representation. The application itself under the scheme was filed in the year 2005. In fact, the Banking Ombudsman could not have exercised any jurisdiction as has been correctly noticed by the

Banking Ombudsman at item No.12 of Ext.P2, since the complaint of the petitioner did not involve any banking transactions.

3. Again the petitioner slept over his rights and approached this Court in 2010. The writ petition is grossly delayed. Further the learned Standing Counsel for the Bank would submit that the petitioner would not be entitled under the scheme since the scheme was one brought out specifically for persons who had retired under a voluntary retirement scheme and who had 20 years continuous service in the bank prior to superannuation. The petitioner did not have that minimum period of service and the petitioner was send out on compulsory retirement pursuant to a disciplinary proceeding initiated against him.

For all the reasons stated above writ petition is devoid of merit and the same is dismissed.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge