

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

WP(C).No. 34284 of 2004 (F)

PETITIONER:

**I.N. NAGAMONY, KUZHIVILA,
KANNARAVILA, NELLIMOOD P.O., TRIVANDRUM DISTRICT
(PREVIOUS ADDRESS) CHERUKURAL PUTHEN VEEDU
KANNARAMOOD P.O., KANYAKUMARI DISTRICT.**

**BY ADVS.SRI.M.P.KRISHNAN NAIR
SRI.V.MANOJ KUMAR**

RESPONDENTS:

- 1. CENTRAL BANK OF INDIA, MAIN OFFICE,
M.G. ROAD, PULIMOOD, TRIVANDRUM DISTRICT.**
- 2. REGIONAL MANAGER, CENTRAL BANK OF INDIA
REGIONAL OFFICE, MANJALIKULAM ROAD, TRIVANDRUM.**
- 3. CENTRAL BANK OF INDIA, HEAD OFFICE,
NARIMAN POINT, BOMBAY, REP. BY ITS
MANAGING DIRECTOR.**

BY ADV. SRI.M.P.RAMACHANDRAN NAIR (SR.)

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

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| EXT.P1 | - | COPY OF THE DISABILITY CERTIFICATE ISSUED TO THE PETITIONER. |
| EXT.P2 | - | COPY OF THE MEMO NO.TVM:DAD:2K:128 DATED 31.05.2000 ISSUED TO THE PETITIONER BY THE RESPONDENT. |
| EXT.P3 | - | COPY OF THE REPRESENTATION DATED 12.06.2000 SUBMITTED BY THE PETITIONER TO THE RESPONDENT. |
| EXT.P4 | - | COPY OF THE REPRESENTATION DATED 30.12.2000 SUBMITTED BY THE PETITIONER TO THE SENIOR MANAGER, CENTRAL BANK OF INDIA, TRIVANDRUM. |
| EXT.P5 | - | COPY OF THE REPRESENTATION DATED 06.01.2001 SUBMITTED BY THE PETITIONER TO THE RESPONDENT. |
| EXT.P6 | - | COPY OF THE CHARGE MEMO DATED 10.01.2001 ISSUED BY THE RESPONDENT TO THE PETITIONER. |
| EXT.P7 | - | COPY OF THE REPRESENTATION DATED 19.01.2001 SUBMITTED BY THE PETITIONER TO THE SENIOR MANAGER. |
| EXT.P8 | - | COPY OF THE MEMO TVM/EST:2000-01:50 DATED 22.02.2001 ISSUED BY SENIOR MANAGER, CENTRAL BANK OF INDIA, TRIVANDRUM BRANCH TO THE PETITIONER. |
| EXT.P9 | - | COPY OF THE REPLY TO THE MEMO OF CHARGES DATED 07.03.2001 SENT BY THE PETITIONER TO THE RESPONDENT. |
| EXT.P10 | - | COPY OF THE ORDER DATED 26.07.2002 IN WRIT PETITION NO. 15930/1995 OF THE HON'BLE HIGH COURT OF MADRAS. |
| EXT.P11 | - | COPY OF THE APPLICATION DATED 27.04.1999 SUBMITTED BY THE PETITIONER TO THE RESPONDENT. |
| EXT.P12 | - | COPY OF LETTER NO.TRIVANDRUM/EST/2000-01:53 DATED 26.02.2001 ISSUED BY THE RESPONDENT TO THE PETITIONER. |
| EXT.P13 | - | COPY OF THE REPRESENTATION DATED 26.02.2001 SUBMITTED BY THE PETITIONER AND ACKNOWLEDGMENT OF THE SAME ON THE BODY OF THE REPRESENTATION. |
| EXT.P14 | - | COPY OF THE APPLICATION TO SEEK VOLUNTARY RETIREMENT GOT SIGNED BY THE PETITIONER BY THE RESPONDENTS. |

[CONTD.....]

- EXT.P15 - COPY OF THE APPLICATIONN FOR SANCTION OF EX GRATIA UNDER VRS AS PER CBIEVRS-2001 GOT SIGNED BY THE PETITIONER.
- EXT.P16 - COPY OF THE OFFICE ORDER NO.TRO/PRS/2001-02/6 DATED 04.04.2001 FROM THE CENTRAL BANK OF INDIA, THIRUVANANTHAPURAM SERVED ON THE PETITIONER.
- EXT.P17 - COPY OF THE REPRESENTATION DATED 20.04.2002 SUBMITTED BY THE PETITIONER BEFORE THE REGIONAL MANAGER OF THE BANK.
- EXT.P17(A) - COPY OF THE ACKNOWLEDGMENT CARD RECEIVED BACK FROM THE REGIONAL MANAGER TO EXT.P17.
- EXT.P18 - COPY OF THE REPRESENTATION DATED 06.03.2003 SUBMITTED BY THE PETITIONER TO THE REGIONAL MANAGER.
- EXT.P18(A) - COPY OF ACKNOWLEDGMENT CARD RECEIVED BACK FROM THE REGIONAL MANAGER TO EXT.P18.
- EXT.P19 - COPY OF THE MEDICAL CERTIFICATE DATED 13.11.2004 ISSUED BY DR.S. RAVINDRAN OF DEVI HOSPITAL, KANNUMAMOODU.

RESPONDENTS' EXHIBITS:- NIL

//TRUE COPY//

P.A. TO JUDGE.

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K. VINOD CHANDRAN, J.

W.P(C). No.34284 of 2004

Dated this the 8th day of September, 2015.

JUDGMENT

The petitioner is aggrieved with the voluntary retirement effected; of the petitioner as per Ext.P16. The petitioner challenges the voluntary retirement on the ground that the petitioner had, while in service, been proceeded for misconduct and had been imposed with punishment, against which the petitioner had approached before the appropriate forums and in one instance, had even been reinstated by the Labour Court. Due to the enmity of the Management towards the petitioner, the petitioner was forced into filing an application at Ext.P15 and hence the retirement made at Ext.P16 should be set aside, is the contention.

2. Essentially, it is to be noticed that the petitioner admits that the petitioner filed an application under the Voluntary

Retirement Scheme of 2001. Ext.P14 was filed on 22.02.2001 and the same was accepted and orders passed on 04.04.2001. There is nothing to show that the petitioner had at any time between the filing of the application and the retirement having been effected, approached the Bank or any other authority with the claim that the application was made under coercion. It is also to be noticed that Ext.P16 was passed in the year 2001 and the above writ petition is filed only in the year 2004.

3. The learned counsel has a further contention that the petitioner, though having 23 years of service for computation of retirement benefits; only 17 years were reckoned. The petitioner is said to have moved an application at Ext.P18 on 06.03.2003, which is allegedly not considered till date. Again it is to be noticed that, Ext.P16 order is passed in 2001 and the petitioner had, without demur, accepted the retirement benefits and after two years, filed Ext.P18 to contend that the entire service period was not reckoned for computation of the retirement benefits. The learned counsel for the petitioner relies on Ext.P19 to contend that the delay was caused only due to the illness of the

petitioner. It is to be noticed that, Ext.P19 Certificate is with respect to the period from 17.11.2003 to 13.11.2004 and there is no explanation, why the petitioner did not challenge Ext.P16 passed in the year 2001 for more than two years.

4. In such circumstances, this Court is of the opinion that the writ petition is devoid of merit, since the petitioner had voluntarily submitted an application for retirement under the specific scheme formulated by the respondent Bank and had without demur accepted the retirement benefits and gone out of service. The attempt to turn around and challenge the same after a long period of time cannot be entertained.

The writ petition would stand dismissed. No costs.

Sd/-

**K. VINOD CHANDRAN,
JUDGE**

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