

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2015

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THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.15956 of 2015

C.Swaminathan

4th Cross Street K.R.S. Nagar

Katpadi

Vellore-632007.

... Petitioner

Vs.

1 The Chairman &
Managing Director Bank of India Head
Office Star House Bandra Kurla Complex
Mumbai-400058.

2 The General Manager (HRD)
Bank of India Head Office Star House
Bandra Kurla Complex Mumbai-400058.

3 The Zonal Manager
Bank of India Zonal Office Star House
Chennai Zonal Office Chennai-1.

4 The Chief Manager
Bank of India
Namathodu Branch Vandavasi
Taluk Thiruvannamalai
District-632313.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents herein to sanction and grant Pension Commutation of Pension Encashment of leave salary and other benefits and release them to the Petitioner with interest at 10% per annum from 20.05.1994 till date of realisation as this Honourable Court deems reasonable and just.

For Petitioner : Mr.M.A.Balasubramanian

O R D E R

The petitioner was a Special Assistant in the respondent department. Admittedly, he was dismissed from service.

2. According to the petitioner he was dismissed from service based on certain allegations dated 20.05.1994. The appeal preferred against the same was also dismissed on 05.09.1994.

3. Therefore, the dismissal is still in operation. A dismissed employee cannot seek for pension and other terminal benefits. Unless the termination is set aside, he is not entitled to pension. Hence, I am not inclined to issue the direction to pay pension, commutation of pension and other pension benefits. Hence, the writ petition fails and the same is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1 The Chairman & Managing Director Bank of India Head Office Star House Bandra Kurla Complex Mumbai-400058.
- 2 The General Manager (HRD) Bank of India Head Office Star House Bandra Kurla Complex Mumbai-400058.
- 3 The Zonal Manager Bank of India Zonal Office Star House Chennai Zonal Office Chennai-1.
- 4 The Chief Manager Bank of India Namathodu Branch Vandavasi Taluk Thiruvannamalai District-632313.

+1cc to Mr.M.A.Balasubramanian, Advocate, S.R.No.27376

CTK(CO)
EU(24/06/2015)

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