

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.34506 of 2015

And

M.P.No.1 of 2015

Kala Karthikeyan

.. Petitioner

Vs.

The General Manager (HRM)

Indian Bank

Head Office, Human Resources Department,

Avvai Shanmugham Salai, Corporate Office,

Royapettah,

Chennai - 600 014.

.. Respondent

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondent to disburse the pensionary benefits to the petitioner herein and for consequential benefits.

For Petitioner : Mr.V.Raghavachari

For Respondent : Mr.Jeyesh 'B' Dolia

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner joined the services of the respondent Bank on 22.02.1986 vide Service Registration No.24534 and due to family circumstances and health condition, taken voluntary retirement from service and she was relieved from service on 07.09.2010. The petitioner would state that she is a contributor of Employees Retirement Benefit Scheme and also Contributory Provident Fund Scheme. The petitioner would state that in terms of the Settlement/ Joint Note, Joint Pension Scheme was introduced in and by which the employees who are in service and retired as on 27.04.2010 could exercise their option under the said Scheme and the petitioner had opted for the said Scheme and it was also accepted vide letter dated 21.10.2010 and the same was intimated to the respondent and as per the scheme the contribution is 30% of initial funding gap assessed for

extending an option for joining the pension Scheme and the Bank was authorized to transfer its entire contribution along with entire interest accrued thereon to the credit of the Pension Fund, of the above said Scheme and the and accordingly the petitioner has authorized to transfer an amount equal to 2.8 times of her revised pay for the month of November, 2007 as 30% contribution towards the pension fund and it is to be paid on account of wage revision in terms of Bipartite Settlement/ Joint Note dated 27.04.2010. Accordingly, the Bank has credited a sum of Rs.80,920/- under the Head of Account "KALA PEN KEPT IN SD RESERVED FROM 98742013778".

3. The grievance expressed by the petitioner is that despite of the said fund, the pension has not been paid to her till date and in this regard has also submitted a representation followed by a legal notice dated 28.03.2015 and since no orders have been passed, came forward to file this writ petition.

4. The learned counsel appearing for the petitioner would submit that the petitioner is also suffering due to formation of cancer in her right breast and to meet out her medical expenses, she is in need of urgent funds and hence, she is constrained to file this writ petition.

5. This Court also heard the submissions of Mr.Jeyesh 'B' Dolia, learned counsel who accepts notice on behalf of the respondent.

6. In the light of the above facts and circumstances, this Court directs the respondent to consider and dispose of the legal notice sent on behalf of the petitioner dated 28.03.2015 on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7. The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is also closed.

Pri

Sd/-

Assistant Registrar (C.C.C.)

/True Copy/

Sub-Assistant Registrar

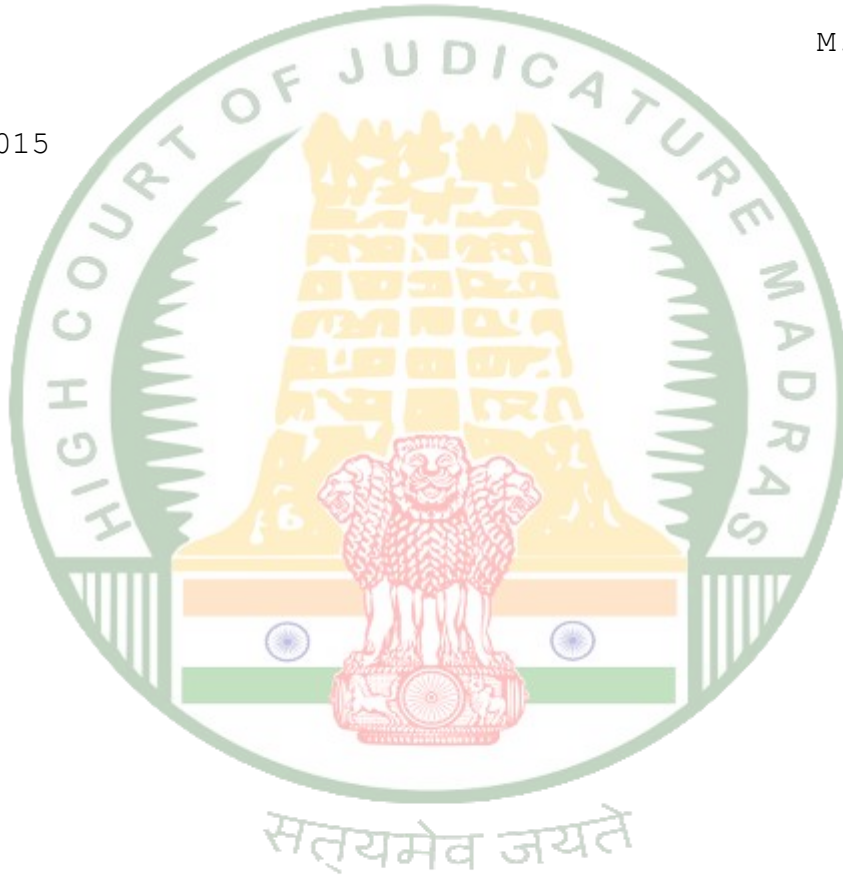
To

The General Manager (HRM)
Indian Bank
Head Office, Human Resources Department,
Avvai Shanmugham Salai, Corporate Office,
Royapettah,
Chennai - 600 014.

+1 C.C. To MR.V.Raghavachari, Advocate in SR.NO.59097

W.P.No.34506 of 2015
And
M.P.No.1 of 2015

EV(CO)
sd : 04/11/2015



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