

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 29.08.2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.11638 of 2014
and
M.P.No.1 of 2014

H.Subramanian

.. Petitioner

Vs.

1.The Chairman and Managing Director,
Indian Bank, Head Office,
No.254-260, Avvai Shanmugam Road,
Royapettah,
Chennai-600 014.

2.The Assistant General Manager,
HRM Department-Settlement Section
Indian Bank,
No.254-260, Avvai Shanmugam Road,
Royapettah, Chennai-600 014.

3.The Branch Manager,
Indian Bank,
East Abhiramapuram Branch,
Luz Church Road,
Chennai-600 004.

4.The Assistant General Manager,
Indian Bank, Development Department,
254-260, Avvai Shanmugam Salai,
Royapettah,
Chennai-600 014.

(R-4 suo motu impleaded vide order
dated 29.8.2016)

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 19.4.2010.

For Petitioner : Mr.R.Sivakumar

For Respondents : Mr.Kalyanaraman
for M/s.Aiyar & Dolia for RR1,
2 and 4
No appearance for R-3

ORDER

Heard.

2 This writ petition has been filed, praying that this Court may be pleased to issue a Writ of Mandamus, directing the first respondent to consider the representation of the petitioner, dated 19.4.2010, regarding the payment of the Fall Back wages and the gratuity.

3 The petitioner has stated that the petitioner had worked, as a Tiny Deposit Agent, in the Indian Bank, East Abhiramapuram Branch, Chennai, from the year, 1977. He had attained the age of superannuation, on 19.2.2002. However, the respondent had not paid him the arrears of the Fall Back wages and the gratuity, as per the circular, issued by the Indian Bank Development Department, Chennai, dated 4.5.2001. Hence, the petitioner has preferred the present writ petition, before this Court, under Article 226 of the Constitution of India.

4 The learned counsel appearing on behalf of the respondent Bank had submitted that a communication, dated 15.10.2009, had been issued, by the third respondent, to the fourth respondent, with regard to the claim made by the petitioner relating to the Fall Back wages arrears. In the said communication, it had been recommended for the sanctioning of the Fall Back wages arrears, as per the rules and the eligibility of the petitioner to claim the same.

5 In such circumstances, this Court finds it appropriate to direct the fourth respondent to consider the communication issued by the third respondent, dated 15.10.2009, and to pay the arrears of the Fall Back wages and the gratuity, payable to the petitioner, if any, as per the rules and considering his eligibility to receive the same, along with appropriate interest

on the amount payable to the petitioner. The fourth respondent shall pass appropriate orders, as directed by this Court, within a period of six weeks from the date of receipt of a copy of this order. This writ petition stands disposed of, with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vvk

To

1.The Chairman and Managing Director,
Indian Bank, Head Office,
No.254-260, Avvai Shanmugam Road,
Royapettah, Chennai-600 014.

2.The Assistant General Manager,
HRM Department-Settlement Section
Indian Bank,
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4.The Assistant General Manager,
Indian Bank, Development Department,
254-260, Avvai Shanmugam Salai,
Royapettah, Chennai-600 014.

+1cc to M/S.Aiyar & Dolia, Advocate Sr.49662

+1cc to Mr.R.Sivakumar, Advocate Sr.49339

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srg 19/09/2016