



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2016

CORAM :

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P (MD) No.20583 of 2016

M.Arul Kumaran

... Petitioner

Vs.

The Branch Manager,
South Indian Bank,
Tuticorin Branch,
Tuticorin.

... Respondent

Petition filed under Article 226 of the Constitution of India, praying for issue a writ of Mandamus directing the Respondent to release the Gratuity amount deposited in the respondent bank in the name of the petitioners father Late Murugesan in TDR No. 557809 dated 24.01.2008 in the name of the petitioner based on the petitioner's representation dated 28.09.2015 and 01.09.2016.

For Petitioner : Mr.Ananth C.Rajesh
For Respondent : No appearance

O R D E R

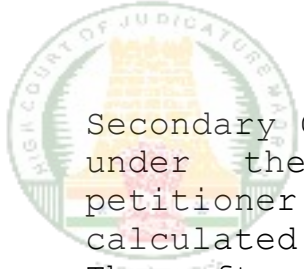
This Writ of Mandamus has been filed, seeking a direction to release the gratuity amount deposited in the respondent bank in the name of the petitioner's father, late Murugesan in TDR No. 557809 dated 24.01.2008 based on the petitioner's representations dated 28.09.2015 and 01.09.2016.

2.Heard the learned counsel for the petitioner. Even though the name of the learned counsel for the respondent has been printed in the cause list, there is no representation on their side. Therefore, this writ petition is taken up for final disposal on the basis of the arguments made on the side of the petitioner.

3.The brief facts leading to the filing of the Writ Petition are as follows:

<https://hcservices.ecourts.gov.in/hcservices/>

The petitioner's father Murugesan was working as a



Secondary Grade Teacher in R.C.Middle School, Nedungulam, which is under the control of R.C. Diocese of Tuticorin. As the petitioner's father got superannuation, the school authorities calculated and fixed the arrears of benefit as Rs.6,27,615/-. Thereafter, the petitioner's father was paid Rs.5,00,000/- and the balance amount payable to him to the tune of Rs.1,27,615/- was deposited in the respondent bank in TDR No.557809 dated 24.01.2008.

4.The case of the petitioner is that either the bank or the school authorities have no right to attach the gratuity amount or terminal benefit of a retired person.

5.The learned counsel appearing for the petitioner would contend that the bank is intended to retain the amount on account of the amount payable to the Teachers Co-operative Society which cannot be maintained and that if at all any amount is payable to the said Society, it has to be recovered only by initiating separate proceedings and the amount on credit is not liable for any attachment. So stating, the petitioner has submitted the representations dated 28.09.2015 and 01.09.2016.

6.In view of the submission made by the learned counsel for the petitioner, this Court without expressing any opinion on the merits of the matter, the respondent is directed to consider the representations of the petitioner dated 28.09.2015 and 01.09.2016 and to pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

7.The Writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

+ 1 CC TO Mr.ANANTH C.RAJESH, ADVOCATE IN SR No. 67100

MJ

TE/PV : 29/11/2016 : 2P/2C

W.P(MD)No.20583 of 2016
08.11.2016