

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8180 of 2014

&

M.P.No.1 of 2014

1.M.Poongavanam

2.M.Dhanalakshmi

.. Petitioners

vs.

1.The Chief General Manager
State Bank of India
Rajaji Salai, Chennai- 600 001

2.The General Manager
State Bank of India
Sastri Nagar Branch
Adayar, Chennai- 600 020

3.M.Malathi

... Respondents

(R3 impleaded as per order dated 15.11.2017
made in M.P.No.1 of 2014)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing respondents herein to dispose the representation dated 02.09.2013 submitted by the petitioner herein within the stipulated period of time prescribed by this Court.

For Petitioner : Mr.G.Thangavel

For Respondents : Mr.R.Sugumaran for R1 and R2
Mr.A.Vivekanandhan for R3

O R D E R

The relief sought in this writ petition is for a direction to the respondents to dispose of the representation dated 02.09.2013 submitted by the petitioners in respect of settlement of the retirement benefit of the Government employee.

2. The learned counsel appearing for the petitioner made a submission that in relation to the settlement of the terminal and pensionary benefits, the petitioner has submitted a representation and the same has not been considered by the respondents.

3. The learned counsel appearing for the respondents 1 and 2 made a submission that there are certain dispute within the family of the petitioners in respect of the claim of retirement benefits and unless those legal disputes are resolved, the management of the respondent will not be in a position to settle the terminal benefits.

4. The Learned counsel appearing for the petitioners also made a submission that there is a counter claim and in respect of the claim of retirement benefits of the deceased employee, a suit in O.S.No.635 of 2014 is also pending before the civil Court.

5. Thus, this Court is of the opinion that unless the disputes in respect of the legal heir is resolved between the parties and more specifically when the civil suit is also pending before the competent civil Court, this Court cannot issue any direction in respect of the terminal benefits of the deceased employee. It is left open to the parties to resolve their civil dispute and submit an appropriate application before the respondent. Further adjudication is not required in this writ petition.

6. Accordingly, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

gpa

To

+1cc to Mr.G.Thangavel, Advocate, S.R.No.81405

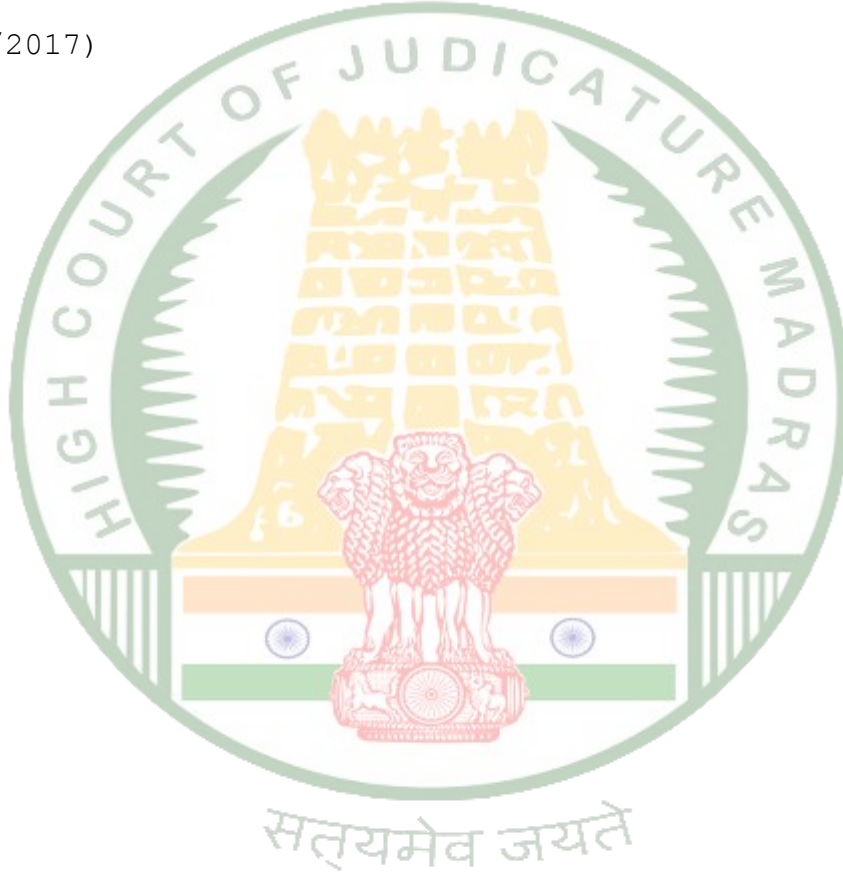
+1cc to Mr.A.Vivekanandhan, Advocate, S.R.No.81331

+1cc to Mr.A.V.Arun*, Advocate, S.R.No.81404

+1cc to the Government Pleader, S.R.No.82057

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RRK(12/12/2017)



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