

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2017

CORAM

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE Mr. JUSTICE M.V.MURALIDARAN

W.P.No.23240 of 2014 and
MP.Nos.1 and 2 of 2014

G.Sundaram

... Petitioner

Vs.

1.The General Manager,
Indian Bank, HRM Department,
31 Rajaji Salai, Chennai - 3.

2.The Asst. General Manager,
HRM Department, Indian Bank,
254-260 Avvai Shanmugam Salai,
Royapettah, Chennai -14.

3.The State Level Scrutinizing Committee,
Rep. by Secretary-cum-Chairman,
Adi Dravida & Tribal Welfare Department,
Chennai - 9.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records of the respondents in connection with the impugned order passed by the second respondent in Ref. GR.0.5909-2014-15 dated 29.04.2014 and quash the same and consequently direct the respondents to release the full pension, commutation of pension, gratuity, leave salary and employee's share of the Provident Fund contribution and all other terminal benefits along with interest at 12% p.a within a reasonable time.

For Petitioner : Mr.M.Muthappan

For Respondents: Mrs.Rita Chandrasekaran
for R1 and R2
Mr.K.Dhananjayan
Spl.Govt.Pleader for R3

O R D E R
K.K.SASIDHARAN, J.

The order passed by the Indian Bank dated 29 April 2014, withholding the retirement benefits on account of the pendency of the verification process relating to the community status of the petitioner is under challenge in this writ petition.

2. Heard the learned counsel for the petitioner, the learned Standing Counsel for the Indian Bank and the learned Special Government Pleader for the State Level Scrutiny Committee.

3. The petitioner on the strength of a Schedule Tribe certificate secured employment in Indian Bank. There were earlier proceedings relating to the verification of the Community Certificate produced by the petitioner. The proceedings were delayed on account of several reasons. In the mean time, the petitioner attained superannuation on 30 April 2014. The Indian Bank, one day prior to the date of retirement i.e, on 29 April 2014 informed the petitioner that terminal benefits, except contribution to Provident Fund has been with held till a decision is taken by the State Level Scrutiny Committee. Feeling aggrieved by the said decision, the petitioner is before this Court.

4. There is no dispute that the Community Certificate of the petitioner was not verified by the Statutory Committee at any point of time. The verification process is pending before the State Level Scrutiny Committee. Since the Committee is now seized of the matter, there is no question of quashing the impugned order and directing the Bank to disburse the retirement benefits. We are therefore of the view that appropriate direction should be issued to the State Level Scrutiny Committee to dispose of the proceedings.

5. We direct the State Level Scrutiny Committee to complete the process of verification of the community status of the petitioner, as expeditiously as possible and in any case, within a period of three months from the date of receipt of a copy of this order. The question of disbursement of retirement benefits would be considered by the Bank taking into account the order passed by the State Level Scrutiny Committee.

6. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar

/true copy/

Sub Asst. Registrar

To

1.The General Manager,
Indian Bank, HRM Department,
31 Rajaji Salai, Chennai - 3.

2.The Asst. General Manager,
HRM Department, Indian Bank,
254-260 Avvai Shanmugam Salai,
Royapettah, Chennai -14.

3.The State Level Scrutinizing Committee,
Rep. by Secretary-cum-Chairman,
Adi Dravida & Tribal Welfare Department,
Chennai - 9.

+1 cc to M/s.Aiyar & Dolia, advocate,sr.15973

+1 cc to Govt.Pleader,sr.15690

+1 cc to M/s.M.Muthappan,advocate,sr.15900.

gmi (co)
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W.P.No.23240 of 2014



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