

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :09.06.2017

Coram

The Hon'ble Mr.Justice T. Raja

W.P.Nos. 1504 & 12669 of 2017
and

W.M.P.Nos. 1407 & 13498 of 2017

M. Sivagami ...Petitioner in both the WPs

Versus

1. The State Bank of India,
Head Office,
No.16, Circletop House,
Aparna Complex 7th Floor,
College Road, Greams Road,
Chennai - 600 006.
2. State Bank of India,
Rep. by its Branch Manager,
Kottturpuram Branch,
Chennai - 600 085.
3. G.Manickam ...Respondents in WP No.1504 of 2017
1. The State Bank of India,
Head Office,
No.16, Circletop House,
Aparna Complex 7th Floor,
College Road, Greams Road,
Chennai - 600 006.
2. State Bank of India,
Rep. by its Branch Manager,
Kottturpuram Branch,
Chennai - 600 085.
3. Muniyammal alias Selvi
4. Priyanka alias Shyamala
5. Preethi ...Respondents in WP No.12669 of 2017

Prayer in W.P. No.1504 of 2017:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to dispose of the representation dated 17.12.2016 and consequentially forbearing the first and second respondents from disbursing the amount of 1.Gratuity, 2.Employees Provident Fund, 3.Leave Salary, 4.Group Insurance Policy amount, 5.Death cum Retirement Benefit amount and other payments in favour of the third respondent.

Prayer in W.P. No.12669 of 2017:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus for a direction forbearing the first and second respondents from disbursing the amount of Late.G.Manickam such as 1) Gratuity 2) Employees Provident Fund 3) Leave Salary 4) Group Insurance Policy Amount, 5) Death cum Retirement Benefit Amount and other payments in favour of third to fifth respondents.

For Petitioner
in both the WPs : Mr. T. Ramachandran

For Respondents 1 & 2 : Mr. C. Mohan
in both the WP for Mr. King & Partridge

COMMON ORDER

While W.P. No.1504 of 2017 has been preferred seeking a direction to the respondents to consider the petitioner's representation dated 17.12.2016 and for forbearing the respondents 1 and 2 from disbursing the amount of Gratuity, Employees Provident Fund, Leave Salary, Group Insurance Policy amount, Death cum Retirement Benefit amount and other payments in favour of the third respondent, W.P. No. 12669 of 2017 has been preferred seeking a writ of mandamus forbearing the respondents 1 and 2 from disbursing the terminal benefits of late.G.Manickam in favour of respondents 3 to 5.

2. Inasmuch as the relief sought in both these writ petitions is intertwined, they are considered and decided by this common order.

3. According to the petitioner, she married G.Manickam on 06.12.1978 as per the Hindu rites and customs in the presence of relatives and friends and through the said wedlock, three children, viz., Sugumar, Poornima and Priyadharshini were born and they are all staying with the petitioner. After some time,

Manickam left the family in the lurch and lived with another woman, viz., Muniyammal @ Selvi, the third respondent in W.P. No.12669 of 2017 and out of their relationship, two children, viz., Priya and Preethi were born. In due course, Manickam spent all his earnings for Muniyammal @ Selvi and her children and the petitioner and her children were not even taken care of by him. Suppressing the fact that the petitioner is his legally wedded wife, Manickam has given the names of Muniyammal @ Selvi and the children born through her, as nominees in the bank. Therefore, the petitioner, knowing pretty well that Manickam was going to retire from service on reaching the age of superannuation, gave a representation on 17.12.2016 to the respondent bank requesting not to disburse the terminal benefits of Manickam to Muniyammal @ Selvi. On receipt of the same, the Chief Manager of the respondent bank turned down the petitioner's request. Hence, the present writ petitions seeking the aforestated relief.

4. A detailed counter affidavit has been filed in W.P. No. 1504 of 2016.

5. The learned Standing Counsel for the respondent bank would submit that the petitioner, after her representation dated 17.12.2016, has not substantiated her stand that she is the legally wedded wife of Manickam and consequently, on the date of retirement, viz., 31.12.2016, the respondent bank, as per law, calculated the retirement benefits due to Manickam and settled the same to him; therefore, the allegation made by the petitioner that the respondent bank is going to disburse the retirement benefits of Manickam to his nominee, viz., Muniyammal @ Selvi, is wrong.

6. This Court also finds considerable force in the submissions made by the learned Standing Counsel for the respondent bank. The reason is when Manickam retired from service on 31.12.2016, his terminal benefits, viz., Gratuity, Employees Provident Fund, etc. were settled to him on the very next day. Therefore, the rejection order dated 29.12.2016 passed by the respondent bank cannot be found fault with. Further, it is beyond the ken of this Court as to how the petitioner can seek disposal of her representation dated 17.12.2016 when the same has already been rejected by the respondent bank vide order dated 29.12.2016. However, it is open to the petitioner to work out her remedy in the manner known to law.

In the result, the writ petitions are dismissed as being devoid of merits. No costs. Connected W.M.Ps. are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrr/cad

To

1. The State Bank of India,
Head Office,
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2. The Branch Manager,
State Bank of India,
Kotturpuram Branch,
Chennai - 600 085.

+2cc to M/s.King & Partridge, Advocate, S.R.No.41313,41314
+2cc to Mr.T.Ramachandran, Advocate, S.R.No.41301,41300

सत्यमेव जयते

W.P.Nos. 1504 & 12669 of 2017
and

W.M.P.Nos. 1407 & 13498 of 2017

MG (CO)
RS (29/06/2017)

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