

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2017

CORAM

THE HONOURABLE MR. JUSTICE R.SURESH KUMAR

W.P.No.41180 of 2002

B.Ravishankar

...Petitioner

-Vs-

1. Union Bank of India
rep. By its General Manager (P) ,
Central office,
239, Vidhan Bhavan Marg,
Nariman Point,
MUMBAI 400 021.
- 2.The Deputy General Manager,
Nodal Regional Office,
Union Bank Bhavan,
139, Broadway,
Chennai 600 108.
- 3.The Senior Manager,
Union Bank of India,
A.N.Street Branch,
178, Govindappa Naicken Street,
Chennai 600 001.
- 4.The Secretary,
Indian Banks' Association,
Stadium House, Block-3,
Veer Nariman Road,
Mumbai 400 020.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the proceedings in N.R.O.O.P.No.984, dated 23.04.2001 of the second respondent and quash the same and direct the first respondent Bank to direct the third respondent to reimburse the arrears already recovered from the petitioner's terminal benefits and also not to recover the amount of Rs.81,617.74.

For Petitioner : Mr.M.Ramalingam
For Respondents
1 to 3 : Mr.D.Krishnan

O R D E R

The prayer sought for in this writ petition is for a writ of Certiorarified Mandamus calling for the records relating to the proceedings in N.R.O.O.P.No.984, dated 23.04.2001 of the second respondent and quash the same and direct the first respondent Bank, to direct the third respondent to reimburse the arrears already recovered from the petitioner's terminal benefits and also not to recover the amount of Rs.81,617.74.

2.Heard Mr.M.Ramalingam, learned counsel for the petitioner and Mr.D.Krishnan, learned Standing counsel appearing for the respondent Bank.

3.Mr.M.Ramalingam, learned counsel for the petitioner would submit that even though the prayer sought for in this writ petition is for a Certiorarified Mandamus to call for the records of the respondent bank dated 23.04.2001 and quash the same, he stated that, subsequent to the said impugned order, the petitioner had given a detailed representation on 31.07.2002 to the respondent bank, i.e., the General Manager(P), Personnel department, Union Bank of India, Central Office, Mumbai through proper channel.

4. In this regard, the learned counsel for the petitioner would further submit that it is suffice, if this Court gives a direction to the respondent bank to consider the said representation of the petitioner dated 31.07.2002 and take a decision on merits and in accordance with law, within a stipulated time to be granted by this court.

5. In this regard, I have heard the learned counsel for the respondent bank.

6. In view of the said submission made by the learned counsel for the petitioner, as the very ground urged challenging the impugned order passed by the respondent bank was not pressed once again in this writ petition in view of the subsequent representation having been given by the petitioner to the respondent bank on 31.07.2002, to consider his request on merits and in accordance with law, this Court feels that without going into the merits of the case, a direction could be given to the respondent bank to decide the said representation of the petitioner dated 31.07.2002, on merits and in accordance with law.

7. In the result, the following orders are passed in this writ petition:

(i) The respondent bank is directed to consider the representation of the petitioner dated 31.07.2002, addressed to the General manager(P), Department of Personnel, Personnel department, Union Bank of India, Central Office, Mumbai through

proper channel and decide the same on merits and in accordance with law, regarding the request of the petitioner to have the scale of pay which was originally fixed to him prior to the letter of the Bank dated 12.07.1990 as to whether the petitioner shall be entitled to have the same salary or different salary, in this regard. If need be, an opportunity of hearing also be given to the petitioner and thereafter, a decision could be taken by the respondent bank and an order to that effect shall be passed and communicated to the petitioner, within a period of two months, from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True copy//

Sub Assistant Registrar

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To

1. Union Bank of India
rep. By its General Manager (P),
Central office,
239, Vidhan Bhavan Marg,
Nariman Point,
MUMBAI 400 021.

2.The Deputy General Manager,
Nodal Regional Office,
Union Bank Bhavan,
139, Broadway,
Chennai 600 108.

3.The Senior Manager,
Union Bank of India,
A.N.Street Branch,
178, Govindappa Naicken Street,
Chennai 600 001.

+1cc to Mr.D.Krishnan, Advocate SR.No.86575

W.P.No.41180 of 2002

GN(09/01/2018)