

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.10.2017

C O R A M

THE HONOURABLE MR.JUSTICE C.T.SELVAM
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.821 of 2016

D.P.Indira
W/o.V.Palani

.. Petitioner

Vs.

1. The Syndicate Bank,
rep. by its Asst. General Manager,
Chennai Regional Office,
Leelavathi Building, 1st Floor,
69, Armenian Street, Chennai - 600 001.

2. The Chairman,
State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai-600 009.

[R2 is Suo-motu impleaded as per order dated
16.03.2017 by KKSJ & MVMJ in WP.821 of 2016]

.. 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 bearing No.1139/ROCH/PCWS/2015 dated 29.06.2015 of the respondent and quash the order passed therein, in so far as the denial of the terminal benefits of the petitioner, and consequently direct the respondents to disburse her the provident fund share, leave encashment, gratuity, etc., including pension with reasonable interest from the date of the dues.

For Petitioner : Mr.YogeshKannadasan

For Respondents: Mr.A.Anand Gopalan [R1]
for M/s.T.S.Gopalan & Co
Mr.K.Venkatramani
AAG [R2]

Asst. by Mr.R.N.Parthasarathy
G.A.

O R D E R

(Order of the Court was made by M.V.MURALIDARAN, J.,)

This Writ Petition has been filed to call for the records relating to the proceedings bearing No.1139/ROCH/PCWS/2015 dated 29.06.2015 of the respondent and quash the order passed therein, in so far as the denial of the terminal benefits of the petitioner and consequently direct the respondents to disburse the provident fund share, leave encashment, gratuity, etc., including pension with reasonable interest from the date of the dues.

2. The petitioner herein was appointed as a clerk in the respondent Bank in the year 1976. Admittedly, the petitioner had put in nearly 40 years of service as on 29.06.2015 and she has attained the age of superannuation. The petitioner was due to retire on 30.06.2015 on attaining the age of 60 years. However, the petitioner was not permitted to retire from service on the ground that the verification of the genuineness of the community certificate produced by the petitioner at the time of her appointment in the year 1976 is pending before the State Level Scrutiny Committee and the Committee is yet to decide upon the genuineness of such certificate produced by the petitioner. Therefore, by the impugned order, the petitioner was not permitted to retire from service. Challenging the impugned order dated 29.06.2015, the present writ petition has been filed by the petitioner.

3. During the pendency of this writ petition, this Court directed the respondent Bank to deposit the terminal benefits payable to the petitioner pending disposal of the writ petition. Accordingly, the terminal benefits were also deposited by the respondent-Bank and to that effect, a Memo dated 04.09.2017 had been filed by the respondent.

4. Today, when the matter is came up for hearing, learned counsel for the petitioner seeks permission to withdraw the writ petition, since the matter is pending before the State Level Scrutiny Committee, the second respondent herein and he may pursue the same. The learned counsel for the petitioner also made an endorsement in the Writ Petition. Recording the submissions made by the learned counsel for the petitioner, the permission is granted.

5. The learned counsel for the first respondent represented before this Court that pursuant to the order passed by this Court, they have deposited the service retirement benefit amount due to the petitioner. The learned counsel for the first respondent also stated that they have deposited the amounts in the Syndicate Bank, Teynampet Branch, Chennai, in the following manner:-

- a. Fixed Deposit (FD) for Rs,10,00,000/- being Gratuity.
- b. FD for Rs.7,61,673/- being Pension arrears
- c. Recurring Deposit (RD) for Rs.32,766/- being Pension for the month of July 2017.

6. Now the said amounts are lying in the Bank and seeks permission to withdraw the said amounts since the writ petition itself is withdrawn. The learned counsel for the first respondent-Bank also stated that if the writ petitioner succeeds in the proceedings pending before the State Level Scrutiny Committee/the second respondent herein, in respect of her community certificate's genuineness, they are ready to pay the said amount to the petitioner.

7. The said submissions are recorded. Therefore, the first respondent-Bank is hereby permitted to withdraw the said amount deposited in the Syndicate Bank in the above manner with the accrued interest thereon.

8. With the above direction, this Writ Petition stands dismissed as withdrawn. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1. The Assistant General Manager,
The Syndicate Bank,
Chennai Regional Office,
Leelavathi Building, 1st Floor,
69, Armenian Street, Chennai - 600 001.

2. The Chairman,
State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai-600 009.

+ 1 cc to Mr.YogeshKannadasan, Advocate,SR.71383

+ 1 cc to M/s.T.S.Gopalan & Co, Advocate,SR.71459

W.P.No.821 of 2016

GMR (CO)
NR 13/10/2017



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