

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.08.2017

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.35425 of 2003

S.Subbiah

... Petitioner

..Vs..

1. The Union of India Rep. by its Secretary,
Ministry of Finance,
Department of Banking,
New Delhi.
2. The Chairman,
State Bank of India,
Central Office,
Madame Cama Road,
Mumbai.
3. The Circle Development Officer,
State Bank of India,
Madras Local Head Office,
College Road,
Chennai-6.

... Respondents

Prayer: Petition filed under Article 226 of The Constitution of India to issue a writ of Mandamus, to direct the respondents to grant the statutory bonus to the petitioner under the Bonus Act 1965 with all consequential benefits.

For Petitioner : Mr.V.Jayaprakash

For Respondents : Mr.J.Madhana Gopal Rao for R1
Mr.K.Sankaran for R2 & 3

ORDER

This Writ petition has been filed under Section 226 of the Constitution of India, direct the respondents to grant the Statutory Bonus to the petitioner under the Bonus Act 1965 with all consequential benefits.

1.Heard learned Counsel for the petitioner and Respondent

2. The learned counsel appearing for the petitioner

submitted that the petitioner filed the Writ Petition to issue a writ of Mandamus directing the respondents to grant the statutory bonus to the petitioner, under the Bonus Act, 1965 and 1995. Section 2(13) defines the word employee and any person drawing salary or wage exceeding Rs.3,500/- per mensem is not covered by the definition. The payment of minimum Bonus enacts that every employee shall be paid bonus at the rate of 8.33 of salary or wage earned during an accounting year ending 31.03.2002 subject to a maximum of Rs.2,500/-.

3.It is also the admitted fact that the petitioner drawing a basic pay of Rs.9,740/-. Since the petitioner receiving the higher salary than the prescribed amount of Rs,3,500/-, he is not entitled to receive any payment of bonus under the Bonus Act, unless, the petitioner establishes that he is entitled to receive even higher salary prescribed amount under the Bonus Act. The learned counsel appearing for the petitioner submits that the petitioner himself subsequently retired from the services.

4.According to the Fair Bonus Act, the petitioner should have received the prescribed salary of Rs,3,500/- for getting bonus. The petitioner was receiving the basic pay of Rs. 9,740/- and hence the petitioner is not entitled to get the bonus under the Bonus Act.

5.Accordingly, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

kas/ggi

To

1. The Secretary to Government,
The Union of India,
Ministry of Finance, Department of Banking,
New Delhi.

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2. The Chairman,
State Bank of India,
Central Office,
Madame Cama Road,
Mumbai.

3. The Circle Development Officer,
State Bank of India,
Madras Local Head Office,
College Road,
Chennai-6.

+1cc to Mr.V.JayaPrakash,, Advocate, S.R.No.61596

+1cc to Mr.L.Sankaran, Advocate, S.R.No.61356

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GN(14/09/2017)



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