

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.37051 of 2003

and

W.P.M.P.Nos.44988 of 2003 and 40584 of 2004

Colonel Pramod Sinya,
CQA (ICV),
Ordinance Factory & Post,
Yeddumailaram,
Medak Dist. 502 205.

... Petitioner

Vs.

1. Ombudsman,
O/o Banking Ombudsman,
(Tamil Nadu and Union Territories of
Pondicherry and Andaman and Nicobar Islands),
Kuralagam Bldgs,
III Floor, 9 Esplanade,
Chennai-600 108.
2. ING-Vysya Bank,
Mount Road Branch,
185, Anna Salai,
Chennai 600 006. Rep. by its Asso. Vice President.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus to call for the records made in the impugned order No.BO(CHN)/447/PR/173/2002-2003, dated 18.07.2003 passed by the first respondent, quash the same and direct the first respondent to dispose of the complaint, dated 20.02.2003 furnished by the petitioner after conducting enquiry as per Sections contemplated under the Banking Ombudsman Scheme, 1995.

For Petitioner : Ms.Sudharsana Sundar
for Mr.T.N.Rajagopalan
For Respondents : No appearance for R-1
Mr.K.Sukumaran for R-2

ORDER

The petitioner was a member of the Investor Club Account in the second respondent-Bank. The petitioner decided to close the Investor Club Membership and also the Savings Bank Account with the second respondent-Bank. It is represented by the learned

counsel for the petitioner that the amount was not paid by the second respondent-Bank, which made the petitioner to approach the first respondent-Ombudsman and that the first respondent did not evince any interest to take up and dispose of the petition at the earliest, which made the petitioner to knock at the doors of this Court. Pending disposal of the Writ Petition, the amount due to the petitioner has also been settled. However, the interest portion alone has not been paid. It is further submitted that when the petitions are filed before the first respondent, the first respondent is expected to take up the matter as expeditiously as possible, so that the parties are not put to hardship. Though the issue raised in this Writ Petition has now become infructuous, and as the entire amount has been paid to the petitioner during the pendency of this Writ Petition, of course, excluding the interest portion, this Court makes it clear that whenever the applications/petitions are filed before the first respondent for compliance, the first respondent is expected to take up the matters and decide the same in accordance with law at the earliest point of time. With these observations, the Writ Petition is disposed of, giving liberty to the petitioner to claim the said interest portion of the amount, if any pending, in accordance with law, if he is otherwise eligible for the same. No costs. W.P.M.Ps. are closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

CS
To

Ombudsman,
O/o Banking Ombudsman,
(Tamil Nadu and Union Territories of
Pondicherry and Andaman and Nicobar Islands),
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III Floor, 9 Esplanade,
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GMI (CO)
sp(09/08/2017)