



[BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.04.2017**

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**
AND
THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.A. [MD] .No.282 of 2017
and
C.M.P. (MD) .No.3038 of 2017

- 1.State Bank of India,
Rep.by its Chairman,
Corporate Centre,
"State Bank Bhavan"
Madam Cama Road,
Mumbai 400 021.
- 2.The Deputy General Manager (B&O)
State Bank of India,
Administrative Unit NW -II,
Madhura Complex, No.2,
Melur Road, Madurai 625 002.
- 3.The Regional Manager,
Region I, State Bank of India,
Madurai.
- 4.The Branch Manager,
State Bank of India,
Narayanapuram Branch,
Madurai 625 014.

: Appellants/Respondents

Vs.

K. Raja Lenin

: Respondent/Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order passed in W.P.(MD).No.12659 of 2016, dated 01.12.2016 on the file of this Court.

Prayer in WP(MD). 12659/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents to pay the retirement benefits including Gratuity, Employees Provident Fund to the Petitioner in pursuant to his retirement on attaining the age of superannuation on 31.05.2016 along with interest at the rate of 18% per annum for



the delayed period, within a stipulated time that may be fixed by this Honble Court.

For Appellants : Mr. S.Sethuraman

For Respondent : Mr.D.Sivaraman

JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

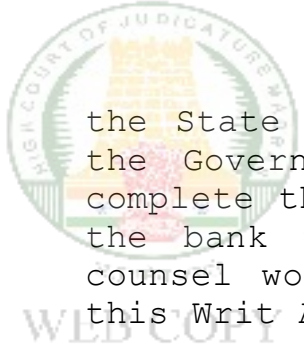
Heard Mr.S.Sethuraman, learned Standing Counsel, appearing for the appellants and Mr.D.Sivaraman, learned counsel appearing for the respondent. By consent, the Writ Appeal is taken up for final disposal, at the stage of admission itself.

2. This Writ Appeal is directed as against the order dated 01.12.2016, passed in W.P.(MD)No.12659 of 2016.

3. The said Writ Petition was filed by the respondent herein, seeking for a direction to pay the retirement benefits, such as, gratuity, employees provident fund, pursuant to the retirement of the respondent, on attaining the age of superannuation, on 31.05.2016, along with interest at the rate of 18 % per annum for the delayed period.

4. The Writ Court, after elaborately considering the contentions advanced by the learned counsel for the respondent/Writ Petitioner as well as the appellants bank, disposed of the Writ Petition, holding that the contention of the appellants bank in keeping the enquiry pending for several decades and continuing the same, after superannuation of the respondent/Writ Petitioner is not justified, especially, in the light of the decision of the Hon'ble Supreme Court in **Ajay Kumar Choudhary vs Union of India through its Secretary [Civil Appeal No.1912 of 2015 dated 16.02.2015]** and directed the appellants to disburse the retirement benefits to the respondent/Writ Petitioner within a period of two weeks from the date of receipt of a copy of the order. Further, there was an observation made that if the appellants are able to get the enquiry completed and if the result turns out against the respondent/Writ Petitioner, then, the appellants bank are at liberty to proceed against the pension amount, which is payable to the respondent/Writ Petitioner.

5. The learned counsel for the appellants submitted that recently, the Hon'ble Division Bench of this Court in the case of **S. Vignathan, vs. State of Tamil Nadu, [W.P.No.15666 of 2014, dated 20.03.2017]**, considered the case relating to an employee of



the State Bank of India and while confirming the order passed by the Government, directed the State Level Scrutiny Committee to complete the enquiry and submit a report and based on such report, the bank was directed to pass appropriate orders. The learned counsel would submit that a similar direction could be issued in this Writ Appeal also by fixing a time frame.

6. We have heard the learned counsel for the parties and carefully perused the materials placed on record.

7. Admittedly, the appellant bank were not diligent in prosecuting the matter with regard to the verification of the genuineness of the communal status of the respondent/Writ Petitioner. In fact, no doubt was raised by the appellant bank at the time, when the respondent/Writ Petitioner was appointed to the service of the appellant bank in the year 1984. It appears that for the first time, the genuineness was doubted, based on a complaint, which was received by the appellant bank in the year 1996. Therefore, the appellants bank caused an enquiry into the matter and addressed to the District Collector, Idukki, vide letter dated 15.03.1996. In fact, the said letter was a reminder to the earlier letter dated 08.01.1996, wherein the genuineness of the community certificate issued to the respondent/Writ Petitioner had been sought for. In response to the said communication, a reply was received from the District Collector, Idukki, on 01.11.1996, addressed to the Branch Manager, State Bank of India, Bodinayakkanur, certifying that the respondent/Writ Petitioner is suitable for service and there is nothing against him. The appellants bank, after receiving the said certificate, through its Branch Manager, had forwarded the same to the Assistant General Manager, vide letter dated 28.10.1997. Thereafter, nothing transpired and the matter was put in a cold storage. For the first time, it was resurrected, when the respondent/Writ Petitioner attained the age of superannuation and retired from service. After the respondent/Writ Petitioner superannuated and retired from service, he was also paid one month pension. Subsequently, the appellants bank took a decision to withhold the gratuity, employees provident fund, etc, which prompted the respondent/Writ Petitioner to approach this Court for appropriate direction for disbursement of the retirement benefits.

8. In our considered view, the learned Single Judge was perfectly justified in disposing of the Writ Petition, giving necessary directions. We find that the direction issued by the learned Single Judge not only protects the interest of the respondent/employee, but also the appellant bank. Therefore, we are not inclined to interfere with the order passed by the learned Single Judge. The time limit prescribed in the order passed in the

<https://www.service-bank-of-india.com> extended by a period of three weeks from the date of receipt of a copy of this Judgment.



9. Thus, for all the reasons stated above, the Writ Appeal fails and the same is, accordingly, dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar(Co)

/True copy/

Sub Assistant Registrar

To

- 1.State Bank of India,
Rep.by its Chairman,
Corporate Centre,
"State Bank Bhavan"
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- 2.The Deputy General Manager (B&O)
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- 3.The Regional Manager,
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- 4.The Branch Manager,
Sate Bank of India,
Narayanapuram Branch,
Madurai 625 014.

+1 cc to Mr.S.Sethuraman , Advocate in SR.No. 19100

+1 cc to Mr.D.Sivaraman , Advocate in SR.No. 19233

NB/DSK

AE/RR/24.04.2017/4P/7C

**JUDGMENT MADE IN
W.A. [MD] .No.282 of 2017
04.04.2017**