BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2017

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.6328 of 2016

M.Anantharaman ... Petitioner

-vs-

1.The General Manager,
Canara Bank, H.R.Wing,
Head Office,
Bangalore-560 001.

2.The Deputy General Manager,
Canara Bank, Circle Office,
No.1, Muthiya Towers,
Contonment, Trichy. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 17.03.2015.

For Petitioner : Mr.G.V.Vairamsanthosh
For Respondents : Mr.Pala Ramasamy

*****

<u>O R D E R</u>

This petition has been filed, seeking to direct the respondent to consider the petitioner's representation dated 17.03.2015.

2. When the matter is taken up for hearing, learned counsel for the respondents would submit that based on the similar request made by the petitioner dated 07.12.2015, requesting to permit him to remit the amount to exercise the option of pension, was declined by the respondent Bank as early as on 30.12.2015 and the petitioner himself has annexed the same in the typeset of papers. In the said order, it has been stated as under:

> “This has reference to your letter dated 07.12.2015 received on 08.12.2015,
>
> We observe that you have exited from the services of the Bank on 31.03.2015 on superannuation. We also observe that you are a PF optee.
>
> As per the Industry Level Settlement dated 27.04.2010 arrived at between IBA for Banks and Employees Unions Associations the option of pension was extended interalia to existing employees also who had not opted for pension

earlier. As per the settlement / Circular the employees were required to opt and to remit the stipulated amount within the time frame provided, which was mandatory for accepting the option. Since you have not remitted the amount within the stipulated time, your option was not valid and your request for remitting the amount now cannot be accepted. As it was an Industry Level Settlement, individual Banks are not having any discretion to consider such request also.”

3. On perusal of the above order dated 30.12.2015, it is seen that already a settlement has been arrived at and the petitioner has been given an option to opt for pension on payment of certain amount together with interest. Admittedly, the petitioner has not paid the money within the stipulated time and therefore, having left with no other option, the Bank has rejected the request of the petitioner.

4. In view of the above, I find that no direction can be issued to the respondents to once again consider the request of the petitioner on the same cause of action. Apart from the above, the petitioner has also not paid the amount with interest prior to the cut off date. Therefore, this Writ Petition is dismissed as devoid of merit. No costs.

Sd/-
Assistant Registrar(Writs)

/TRUE COPY/

Sub Assistant Registrar

To:

1.The General Manager,
Canara Bank, H.R.Wing,
Head Office,
Bangalore-560 001.

2.The Deputy General Manager,
Canara Bank, Circle Office,
No.1, Muthiya Towers,
Contonment, Trichy.

+1 cc to MR.Pala Ramasamy,ADVOCATE, SR NO:963

ar

sva/bs/16.02.2017/2p/4c

W.P.(MD) No.6328 of 2016
05.01.2017