



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Friday, the Twenty Fourth day of August Two Thousand and Eighteen

PRESENT

WEB COPY

The Hon'ble Mr. Justice V. PARTHIBAN

WMP (MD) No.3171 of 2018

IN

WP (MD) No.6876 of 2011

1. K.Venkatesan
2. N.Viswanathan
3. S.Nagarajan
4. K.Mohan Doss
5. G.Balakrishnan
6. V.S.Muruganandham
7. G.Kumaresan
8. M.Anthony Samy
9. S.Ameer
10. M.Muthumani
11. V.R.Pragadeeswari
12. M.K.Surendran
13. S.Hariharan
14. S.Alagarsamy
15. J.Thomas Ignacy Peeriz
16. L.S.J.Shanthi
17. V.Chellapandian
18. D.Manohar Samuel
19. V.Murugan
20. M.D.Deepak
21. T.Santhi Devi
22. Jeevanandham
23. M.Maanvizhi
24. K.S.Rekha
25. K.Ganesan
26. S.Kanthimathi
27. S.Devaki
28. K.Ramaraj
29. M.A.Eswaran
30. R.Baskaran
31. P.Rajendran
32. M.Kaleeswaran
33. A.R.Baskaran
34. R.Bhama
35. T.N.Kannan
36. P.Gnanasekaran
37. S.Balakrishnan
38. I.Varadharaj
39. N.Ramalingam



40.A.Krishnammal
41.A.Chermakani
42.S.Vasanthi
43.D.Niraimathi
44.P.Manimegalai
45.S.Thenmozhi
46.R.Sugumaran
47.R.Vijayalakshmi
48.G.Hema
49.P.Sankaranarayanan
50.A.Seeni
51.K.Arivalagan

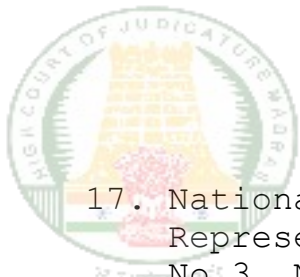
... Petitioners

Vs.

1. Union of India,
Represented by its Secretary,
Banking Division,
Ministry of Finance,
New Delhi - 110 001.
2. Indian Bank Association,
Represented by its Chairman,
World Trade Centre,
6th Floor, Centre -1,
Cuffee Parade, Mumbai - 400 005.
3. Canara Bank,
Represented by its Chairman and Managing Director,
Head Office, No.112, J.C.Road,
Bangalore - 560 002.
4. Central Bank of India,
Represented by its Chairman and Managing Director,
Central Office, 16th floor,
Chandermukhi, Nariman Point,
Mumbai - 400 021.
5. The Karur Vysa Bank Limited,
Represented by its Chairman and Managing Director,
Central Office, Erode Road,
Karur - 639 001.
6. Union Bank of India,
Represented by its Chairman and Managing Director,
Union Bank Bhavan, 3rd floor,
239, Vidhan Sabha Marg Nariman Point,
Mumbai - 400 021.
7. United Commercial Bank,
Represented by its Chairman and Managing Director,
10, BTM, Sarani, Calcutta - 700 001.



8. Indian Bank,
Represented by its Chairman and Managing Director,
66, Rajai Salai, Chennai - 600 001.
9. All India Bank Employees Association,
(AIBEA),
Represented by its General Secretary,
Singapore Plaza,
No.164, Linghi Chetty Street,
Chennai - 600 001.
10. National Confederation of Bank Employees (NCBE),
Represented by its General Secretary,
C/O.State Bank of India, LHO,
3rd Floor, Bhara Lai Dharwaja,
Ahmedabad - 380 001.
11. Bank Employees Federation of India (BEFI),
Represented by its General Secretary,
Naresh Paul Centre,
No.53, Radha Bazar Lane (first floor)
Kolkata -700 001.
12. Indian National Bank Employees Federation (INBEF),
Represented by its General Secretary,
Bajaj Bhawan, I floor, Nariman Point,
Mumbai - 400 021.
13. National Organisation of Bank Workers (NOBW),
Represented by its General Secretary,
Ram Naresh Bhavan, Tilak Gali,
Chuna Mandi, Pahar Ganj,
New Delhi - 110 055.
14. All India Bank Officers' Confederation,
Represented by its General Secretary,
C/O.State Bank Building,
St.Marks Road, Bengaluru - 560 001.
15. All India Bank Officers' Association,
Represented by its General Secretary,
A.K.Naik Bhawan,
14, Second Line Beach,
Chennai - 600 001.
16. Indian National Bank Officers' Congress,
Represented by its General Secretary,
C/O.Bank of Baroda,
No.3, Walchand Hirachand Marg,
Ballard Estate, Mumbai - 400001.



17. National Organisation Of Bank Officers,
Represented by its General Secretary,
No.3, Natshatra Apartments,
Plot No.22, Sri Ram Society,
Warje, Pune - 411 058.

... Respondents

Prayer in WMP(MD) No.3171 of 2018:

This Writ Miscellaneous Petition is filed to set aside the order dated 09.02.2018 dismissing the above Writ Petition for default and restore the Writ Petition for hearing on merits and pass such other order or direction as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in WP(MD) No.6876 of 2011:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Declaration, declaring Clause 32 of 9th Bipartite Wage Settlement dated 27-04-2010 read with clause (1) and (2) of Pension Settlement dated 27-04-2010 insofar as the said clauses require Contributory Provident Fund Optees who are in service to become Pension Optees upon contributing 2.8 times of the revised payable for the month of November 2007 to the Pension fund and retired employees to refund in addition to their contribution and the Bank's contribution with interest thereon an additional amount which amounts to 56% of the said amount of bank's contribution to Provident Fund and interest thereon recovered from the employee on retirement or death as arbitrary and violative of Articles 14,16 and 21 of the Constitution and consequently, direct the respondents 3 to 8 to extend the pension option to the petitioners without insisting on any contribution to the Pension Fund and to refund the amounts paid.

ORDER : This petition coming on this day (24.08.2018) for hearing and upon hearing the argument for the petitioners Thiru.K.M.RAMESH, and perusing the earlier order of this Court 09.02.2018 this Court made the following order:-

" In view of the reasons stated in the accompanying affidavit this miscellaneous petition is allowed and the writ petition is restored to file".

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-II)



THE SECRETARY,
UNION OF INDIA,
BANKING DIVISION,
MINISTRY OF FINANCE,
NEW DELHI-110 001.

COPY TO:-

THE SECTION OFFICER,
WRIT SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER DATED : 24.08.2018

RESTORATION

WMP(MD) No.3171 of 2018 IN
WP(MD) No.6876 of 2011

TE/RSK/SAR-2 : 18/09/2018 : 5P/3C