



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.4224 of 2018

L.Gunasekaran

... Petitioner

Vs.

1. The Zonal Manager,
UCO Bank,
Zonal Office,
Vijay Towers,
1st Floor, No.22, Father Randy Street,
R.S.Puram, Coimbatore-641 002.

2. The Branch Manager,
UCO Bank,
Rajappa Nagar,
Thanjavur-613 004.

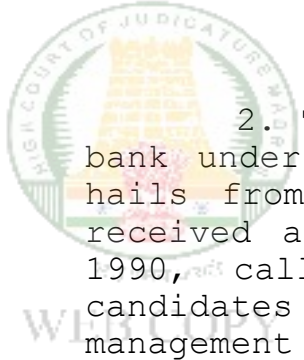
... Respondents

PRAYER: This Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay the retirement benefits including Gratuity, Leave Encashment and Commutation of Pension on attaining the age of superannuation on 31.10.2013 along with interest at the rate of 24% per annum from the date of retirement to till the date of final payment for the delayed period, within a stipulated time.

For petitioner : Mr.G.R.Sathish
For R1 : Mr.Ajmal Khan,
Senior Counsel for
Mr.Pala Ramasamy

ORDER

The writ petitioner was working in the respondent bank as Record Clerk. He joined service in the year 1982 and reached the age of superannuation on 31.10.2013. The writ petitioner was informed that the settlement of his terminal benefits would be done, subject to the outcome of the proceedings pending before the competent authority with regard to the verification of the social status.



2. The writ petitioner secured appointment in the respondent bank under ST category. The writ petitioner's claim was that he hails from Kondareddy community. The respondent bank management received a communication from the Central Government in the year 1990, calling for verification of the social status of the candidates who secured employment under reserved category. The management referred the case of the writ petitioner before the competent authority. Eventhough number of years have passed, the final decision is yet to be taken by the competent authority in this regard.

3. In fact, the employer, sought a direction for directing the State Level Scrutinizing Committee to expeditiously conclude the verification of the community status of the writ petitioner herein, namely L.Gunasekaran. The Hon'ble Division Bench of the Principal Bench of this Court, on 07.11.2016, directed the Committee to expedite the verification of the community status of the employees whose details were given in the proceedings, furnished by the bank. A report was directed to be submitted within a period of three months. Eventhough, an order was passed as early as on 07.11.2016, till date there is no compliance with the said direction.

4. In these circumstances, the petitioner herein has come forward with this writ petition for directing the bank management to disburse his terminal benefits with interest at the rate of 24% from the date of his retirement, till the date of final payment for the delayed period.

5. The learned counsel for the writ petitioner, at the very outset, submitted that if the retirement benefits are disbursed by the bank management within a period of eight weeks from the date of receipt of a copy of the order, his client would not press for interest. In other words, he would be satisfied with the receipt of the principal amount alone.

6. The learned senior counsel appearing on behalf of the bank management took this Court to a number of decisions passed by various Division Benches of this Court, as well as the Principal Bench. The compilation furnished by the Senior Counsel contains as many as ten decisions, rendered by various Division Benches. Eventhough, most of the Division Benches have categorically held that where the social status of the employee is under a cloud, the disbursement of the retirement benefits will have to necessarily abide and await the outcome of the proceedings before the scrutiny Committee.

7. The learned senior counsel appearing on behalf of the bank management, however, pointed out that one or two Division Benches have taken a contrary view, but they had not referred to the earlier decisions. Eventhough, the submission made by the learned senior counsel for the bank management appears to be reasonable, in the facts and circumstances of this case, this Court is inclined to give



the relief, as sought for by the writ petitioner.

8. It is not in dispute that the writ petitioner joined service in the year 1982 and retired, after putting in 31 years of service, in the year 2013. It is also not in dispute that the bank management itself moved this Court and obtained a direction for conclusion of the proceeding before the State level scrutiny committee for finally and authentically deciding the community status of the writ petitioner herein. The order dated 07.11.2016 made in W.P.No.3094 of 2015 passed at the instance of the bank management, mandates the State Level Scrutiny Committee to submit a report within a period of three months from the date of receipt of a copy of the order. Till date, the said direction has not been complied with.

9. When this Court directed the competent authority to conclude the disciplinary proceedings within a certain stipulated period and the said direction is not complied with this Court had interfered and terminated the disciplinary proceedings. This Court of course cannot take such a drastic approach in this case. But then, the question is whether the writ petitioner should indefinitely wait for the outcome of the disciplinary proceedings? It is submitted by the learned counsel for the writ petitioner that the issue is pending before the Committee for more than 11 years. The writ petitioner cannot be made to suffer for the delay on the part of the State Level Scrutiny Committee.

10. Therefore, in view of the foregoing, namely non-compliance of the direction given by this Court in W.P.No.3094 of 2015, the respondent bank management is directed to settle the retirement benefits of the writ petitioner, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this amount would not carry any interest. It is reiterated by the learned counsel, on instruction from the writ petitioner, submitted that he would not press the claim for interest.

11. With this direction, this writ petition stands allowed. No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Zonal Manager,
UCO Bank,
Zonal Office, Vijay Towers,
1st Floor, No.22, Father Randy Street,
R.S.Puram, Coimbatore-641 002.



2. The Branch Manager,
UCO Bank, Rajappa Nagar,
Thanjavur-613 004.

+ 1 CC TO Mr.G.R.SATHISH, ADVOCATE IN SR No. 58031
+ 1 CC TO Mr.PALA RAMASAMY, ADVOCATE IN SR No. 58596

PNN

TE/SV-MMS/SAR-2 : 17/04/2018 : 4P/5C

ORDER MADE IN
W.P. (MD) No.4224 of 2018
26.03.2018