



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.09.2018

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P.PD[MD]No.1863 of 2018
and
C.M.P.[MD]No.8143 of 2018

T.Palaniappan : Petitioner/ Petitioner/Plaintiff

Vs.

- 1.City Union Bank Ltd.,
Rep. by its Managing Director,
Administrative Office,
No.24-B, Gandhi Nagar,
Kumbakonam - 612 001.
- 2.City Union Bank Ltd., T.Nagar Branch,
Rep. by its Chief Manager,
Ground Floor,
No.48, Mahalakshmi Street,
T.Nagar,
Chennai - 600 017.
- 3.The Assistant General Manager,
Business Development Centre,
City Union Bank Ltd.,
1st Floor, No.48, Mahalakshmi Street,
T.Nagar, Chennai - 600 017.

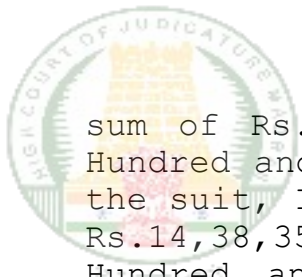
: Respondents/ Respondents/
Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to allow the CRP by setting aside the judgment and decree dated 21.06.2018 passed in I.A.No.125 of 2017 in O.S.No.5 of 2017 on the file of District Judge, Sivagangai and consequently allow the I.A.No.125 of 2017 in O.S.No.5 of 2017 on the file of District Judge, Sivagangai.

For Petitioner : Mr.PL.Narayanan
For Respondents 1&2 : No appearance
For Respondent No.3 : Mr.Anand Gopalan
for M/s. T.S.Gopalan & Co.,

O R D E R

The plaintiff in O.S.No.5 of 2017, on the file of the learned District Judge, Sivagangai is the revision petitioner herein. The suit has been filed for directing the respondent Bank to pay him a



sum of Rs.58,01,244/- [Rupees Fifty Eight Lakhs One Thousand Two Hundred and Forty Four only] with interest. During the pendency of the suit, I.A.No.125 of 217 came to be filed for disbursing a sum of Rs.14,38,358/- [Rupees Fourteen Lakhs Thirty Eight Thousand Three Hundred and Fifty Eight only]. The Court below by order dated 21.06.2018 dismissed the said Interlocutory Application on the ground that only in the main suit, the issues raised by the revision petitioner can be gone into. Questioning the correctness of the said order, the present Civil Revision Petition has been filed.

2.Heard the learned Counsel on either side.

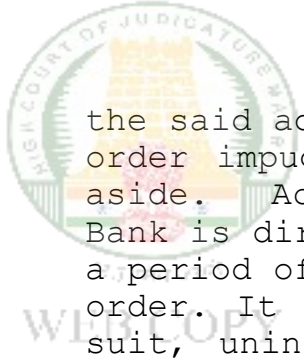
3.The revision petitioner was employed as a Branch Manager in City Union Bank. It appears that the e-mail account of an NRI customer was hacked, leading to removal of funds by third parties. It appears that the revision petitioner discovered the hacking only later. The revision petitioner probably assuming moral responsibility has placed a sum of Rs.31,50,000/- [Rupees Thirty One Lakhs and Fifty Thousand only] as a security. But, the Bank management, without any express authorisation from the plaintiff appropriated the entire amount.

4.The case of the plaintiff is that he was not made aware of such appropriation by the Bank. While so, the plaintiff retired from service on 15.06.2015. Even though, no disciplinary action was initiated against the plaintiff and he was allowed to retire, the pensionary benefits as well as the other terminal benefits were not disbursed to the plaintiff. The Bank took the stand that the plaintiff must authorise the appropriation of the amount of Rs.31,50,000/- by issuing a formal cheque in favour of the Bank. The plaintiff declined to do so. Thus, the dispute arose.

5.The aforesaid developments led to the institution of O.S.No.5 of 2017, on the file of learned District Judge, Sivagangai. Pending suit, the plaintiff wanted the retirement benefits to be disbursed to him. Since the same was declined, the present Civil Revision Petition came to be filed.

6.The Counsel for the respondents vehemently opposed the request made by the revision petitioner and wanted this Court to sustain the order passed by the Court below.

7.After hearing the learned Counsel on either side, I am of the view that the admitted retirement benefits cannot be withheld. This is because both Provident Fund benefits as well as Gratuity dues are statutory in character. They are exempt from attachment. Though the revision petitioner would claim that a sum of Rs.14,38,358/- is due and payable to him, there is some dispute regarding the quantum and the Bank management would concede that a sum of Rs.9,10,204/- [Rupees Nine Lakhs Ten Thousand Two Hundred and Four only] is payable. There cannot be any difficulty in directing the payment of



the said admitted amount. Hence, this Court is of the view that the order impugned in the Civil Revision Petition is liable to be set aside. Accordingly, impugned order is set aside. The respondent Bank is directed to disburse the said amount of Rs.9,10,204/- within a period of two [2] weeks from the date of receipt of a copy of this order. It is made clear that the Court below shall dispose of the suit, uninfluenced by any of the observations made in this Civil Revision Petition. All the contentions of the respective parties are left entirely open.

8.The Civil Revision Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-I)

To
The District Judge,
Sivagangai.

+1CC TO MR.P.L.NARAYANAN, ADVOCATE IN S.R,NO.85325.
+1CC TO MR.T.S.GOPALAN, ADVOCATE IN S.R,NO.85301.

MR
DS SV SAR-1:24.09.2018: 3P/4C

ORDER MADE IN
C.R.P.PD[MD]No.1863 of 2018
19.09.2018