



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

WEB COPY

**W.P(MD)No.3818 of 2013**

**and**

**MP(MD)No.1 of 2013**

C.Manimuthu

... Petitioner

Vs.

1. The Assistant General Manager (PPG),  
State Bank of India,  
PPG Department,  
Local Head Office,  
Chennai.

2. The Branch Manager,  
State Bank of India,  
Sankarankoil Branch,  
Tirunelveli District.

3.Deivanai

... Respondents

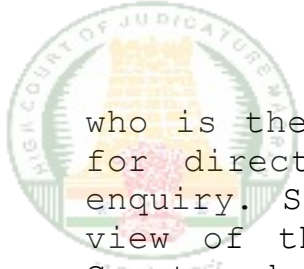
PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1<sup>st</sup> respondent to conduct a personal enquiry with the petitioner and 3rd respondent with respect of sanction of family pension dated 05.02.2009.

|                   |                              |
|-------------------|------------------------------|
| For Petitioner    | : Mr.D.Dhana Chandra Prakash |
| For Respondent -1 | : Tapal Due                  |
| For Respondent -2 | : Mr.S.Sethuraman,           |
| For Respondent -3 | : Mr.S.Palani Velayutham     |

**ORDER**

The learned Counsel for the writ petitioner states that to direct the first respondent to conduct a personal enquiry with the petitioner and third respondent, in respect of sanction of family pension dated 05.02.2009. The writ petitioner is the son of One K.A.Chandrakash, who passed away on 26.11.2009.

2.The father of the writ petitioner was employed in the State of Bank of India. After the death of the deceased employee the pension and other benefits due to the employee was settled in favour of the nominees as per the service register maintained by the first respondent. The amount of terminal benefits were already settled in favour of the nominees. However, the writ petitioner



who is the son of the deceased employee filed this writ petition for direction to direct the first respondent to have personal enquiry. Such enquiry cannot be done by the first respondent in view of the fact that the parties had already moved the Civil Court and Suit in O.S.No.18 of 2010 is pending before the District Munsif Court, Sankarankoil. Thus, it is left open to the parties to contest the suit which is already pending before the competent civil Court in respect of their status or otherwise.

3.This being the factum of the case, the direction to conduct personal enquiry cannot be granted in this writ petition and the parties are at liberty to adjudicate the same before the competent Civil Court.

4. With the above observations, the writ petition stands dismissed. However, there shall be no orders as to costs. Consequently, MP(MD)No1 of 2013 is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

+1cc to Mr.S.Sethuraman, Advocate Sr.No.49293  
+1cc to Mr.S.Palani Velayutham, Advocate Sr.No.49620  
+1cc to Mr.J.Jeyakumaran, Advocate Sr.No.49437

DSK

VB/SKN/RSK/SAR4/21.03.2018/2P/4C

**W.P(MD)No.3818 of 2013**  
**16.02.2018**