

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.18198 of 2003

Thiruvannamalai & Vellore

District Central Co-operative Bank

Retired Employees Association

(Regd.No.112/2003)

10/24, 10th new street

Polur road, Thiruvannamalai-606 601.

.. Petitioner

Vs.

1.The Government of Tamil Nadu

Rep. by its Secretary

Co-operation, Food and Consumer

Protection Department

Fort St. George

Chennai-600 009.

2.The Registrar of Co-operative

Societies for the State of Tamil Nadu

170, Periyar EVR high road

Kilpauk, Chennai-600 010.

3.The Thiruvannamalai District Central

Co-operative Bank Ltd.,

Rep. by its Special Officer

Thiruvannamalai.

4.The Vellore District Central

Co-operative Bank Ltd.,

Rep. by its Special Officer

Vellore.

5.Regional Provident Fund Commissioner

Royapettah High road

Chennai-600 014.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus to direct the 3rd and 4th respondents to implement the

recommendation of Murugaraj, IAS, committee relating to the grant of pension as a second benefit to the employees of the 3rd and 4th respondents' Banks immediately by framing a pension scheme on the lines prevalent in Nationalised Banks.

For Petitioner : Mr.S.Udayakumar
For R1 & R2 : Ms.T.Girija
Government Advocate

For R4 : Mr.P.K.Sivakumar for
M/s.M.S.Palnisamy

For R5 : No appearance

ORDER

Writ Petition is filed for issuance of a writ of Mandamus to direct the 3rd and 4th respondents to implement the recommendation of Mr.Murugaraj, IAS, committee relating to the grant of pension as a second benefit to the employees of the 3rd and 4th respondent Banks immediately by framing a pension scheme on the lines prevalent in Nationalised Banks.

2(i).The petitioner is association consisting of 112 retired employees of 3rd and 4th respondent banks. According to the petitioner, they are demanding pension as a second retirement benefit based on the recommendation of the committee constituted in the year 1994 headed by Shri. Murugaraj I.A.S., by framing a pension scheme on the lines prevalent in the Nationalised Banks. The service conditions of the employees of 3rd and 4th respondent Banks are governed by the settlement dated 06.02.1997 in respect of the 4th respondent Bank and settlement dated 20.02.1997 in respect of 3rd respondent Bank. As retirement benefits, they are getting only gratuity and provident fund (both employer and employee contributions) and they are not getting any pension. The employees of the Nationalised Banks, who were in service as on 01.01.1986 are getting pension pursuant to the Pension Regulations framed in the year 1995. The retired employees have formed association and made a demand for payment of pension on the lines with the employees of the Nationalised Banks.

2(ii).In pursuance of their demand, the 1st respondent constituted a committee in the year 1994 headed by Shri. Murugaraj I.A.S. for streamlining the service conditions of the employees in the Central Co-operative Banks. One of the issue was with regard to the payment of pension and the said committee has recommended for payment of pension as a second

retirement benefit in lieu of provident fund contribution by the employer. On that basis, the 1st respondent has issued G.O.Ms.No.161, Co-operation, Food and Consumer Protection Department, dated 05.09.1996 stating that the recommendations will be referred to the committee to be constituted to examine the scope of pension scheme with reference to the Government of India Ordinance.

2(iii).Subsequently, the 1st respondent has issued another Government Order in G.O.Ms.No.6, Co-operation, Food and Consumer Protection Department, dated 08.01.1997, referring to recommendation of Shri. Murugaraj I.A.S., Committee with certain conditions. In the said Government order, the 1st respondent has stated that the recommendation of the streamlining committee is under active consideration of the 1st respondent and orders in this regard will be issued separately. Even after passage of so many years, the 1st respondent has not passed any order framing scheme for payment of pension to the employees of 3rd and 4th respondent Banks. The pension is being paid to the Tamil Nadu State Co-operative Bank as well as the employees of the Nationalised Banks.

2(iv). According to the petitioner, the Hon'ble Apex Court has held that the pension is not a matter of bounty and it being a part of the right under Article 21 of the Constitution of India. In view of the same, the learned counsel appearing for the petitioner prayed for a direction to the 3rd and 4th respondent Banks to implement the recommendation of the committee relating to grant of pension as a second retirement benefit to the employees of the 3rd and 4th respondent Banks by framing pension scheme.

3.The respondents have not filed any counter.

4.Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents 1 and 2 and the learned counsel appearing for the 4th respondent and perused the materials available on record.

5.From the materials available on record, it is seen that the demand for payment for pension for the retired employees of the 3rd and 4th respondent Banks was considered by the 1st respondent by appointing one man committee headed by Shri.Murugaraj I.A.S. The one man committee has recommended payment of pension to the employees of the Central Co-operative Bank. The Government by G.O.Ms.No.161, Co-operation, Food and Consumer Protection Department, dated 05.09.1996, ordered that a committee would be constituted to refer the recommendations to examine the scope of pension scheme with reference to the

Government of India Ordinance. Subsequently, the Government has passed another G.O.Ms.No.6, Co-operation, Food and Consumer Protection Department, dated 08.01.1997 and stated that the recommendation of the streamlining committee is under active consideration of the Government and orders in this regard will be issued separately.

6.The grievance of the petitioner is that the 1st respondent has not passed any order with regard to payment of pension as recommended by the committee. In a writ petition praying for issuance of a Writ of Mandamus, this Court cannot issue a positive direction to the respondents with regard to payment of pension to the members of the petitioner on par with the employees of the Nationalised Banks. At the same time, it is to be noted that the 1st respondent in G.O.Ms.No.6, Co-operation, Food and Consumer Protection Department, dated 08.01.1997, stated that the recommendation of the streamlining committee is under active consideration of the Government and orders in this regard will be issued separately. In view of such stand taken by the 1st respondent in G.O.Ms.No.6, Co-operation, Food and Consumer Protection Department, dated 08.01.1997, it is suffice to direct the 1st respondent to pass orders as stated in G.O.Ms.No.6. Accordingly, the 1st respondent is directed to pass orders on the recommendation of the streamlining committee with regard to payment of pension as second retirement benefit in lieu of provident fund contribution by the employer to the employees of the petitioner's Association within a period of three months from the date of receipt of a copy of this order.

7.With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To
1.The Secretary
Government of Tamil Nadu
Co-operation, Food and Consumer
Protection Department
Fort St. George
Chennai-600 009.

WEB COPY

2.The Registrar of Co-operative
Societies for the State of Tamil Nadu
170, Periyar EVR high road
Kilpauk, Chennai-600 010.

3.The Special Officer,
Thiruvannamalai District Central
Co-operative Bank Ltd.,
Thiruvannamalai.

4.The Special Officer
Vellore District Central
Co-operative Bank Ltd.,
Vellore.

5.The Regional Provident Fund Commissioner
Royapettah High road
Chennai-600 014.

+1 cc to M/s.S.Udayakumar,Advocate Sr.No. 64818
+1 cc to Mr.M.S.Palaniswamy, Advocate SR.No.64939
+1 cc to The Special Government Pleader Sr.No.65021

AKM/06.09.19/5P-9C /

W.P.No.18198 of 2003



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