

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.06.2019

Coram

The Hon'ble Mr. Justice V.PARTHIBAN

W.P.No.16925 of 2019
and
W.M.P.No.16505 of 2019

V.Chandrasekar

..Petitioner

vs.

1.Punjab National Bank,
General Manager,
Human Resource Development,
No.7, Bhikaji Cama place,
New Delhi - 110 066.

2.Punjab National Bank,
Rep.by its Deputy General Manager,
PF & Pension Fund Department,
Head office Rajendrabhawan,
Rajendran Place, New Delhi - 110 008.

..Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records leading to the order passed by the 1st respondent dated 26.10.2015 in reference pension /161020/1614 and quash the same and consequently direct the 1st respondent to intimate two option of the pension (i.e) 1st and 2nd option to the petitioner for the lapses of the Bank for Compassionate allowance and also for the payment of the arrears towards pension as he is eligible as per bank circular request date 27.11.2009.

For Petitioner

..

Mr.V.Chandrasekar

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ORDER

The petitioner has approached this Court seeking for the following prayer.

'to issue a writ of Certiorarified Mandamus calling for the records leading to the order passed by the 1st respondent dated

26.10.2015 in reference pension/161020/1614 and quash the same and consequently direct the 1st respondent to intimate two option of the pension (i.e) 1st and 2nd option to the petitioner for the lapses of the Bank for Compassionate allowance and also for the payment of the arrears towards pension as he is eligible as per bank circular request date 27.11.2009.'

2. In respect of the same cause of action, the petitioner has already approached this Court in W.P.No.22700 of 2016, wherein this Court, vide its order dated 24.10.2018, dismissed the writ petition as devoid of merits. The order passed by this Court in the aforesaid writ petition is extracted hereunder:

"7. This Court is of an opinion that, the writ petitioner was admittedly dismissed from service on account of the allegations of unauthorized absence. The said order of dismissal reached finality. The only claim of the writ petitioner is that he is eligible for compassionate allowance under the pension regulations. The petitioner admits the fact that he continued as PF Optee. However, he claims that the opportunity to exercise the second option was denied by the bank, since they have not provided any information in this regard. However, this Court cannot consider such disputed facts and the writ petitioner being employed as Clerk/Typist at the first instance and thereafter promoted to the post of Officer Grade-1, he cannot plead ignorance of law or the procedures followed by the bank. The petitioner served as Officer Grade-1 and subsequently opted to serve in the lower post.

8. This being the factum of the case, the writ petitioner cannot claim any ignorance in respect of the procedures followed and in respect of the implementation of pension scheme in the bank. As far as the benefit of compassionate allowance is concerned, the same is contemplated under the pension regulations. In view of the fact that, the writ petitioner at no point of time opted for pension scheme, he is not eligible to claim the said compassionate allowance. Admittedly, the writ petitioner continued only as a PF Optee. Further it is not disputed that all the benefits as applicable to the PF Optee had been settled in favour of the writ petitioner and he had received the same.

9. This being the factual matrix of the present lis on hand, this Court is of an opinion that there is

no infirmity in respect of the reasons furnished in the impugned order passed by the respondent in proceeding dated 26.10.2015. Thus, the writ petition is devoid of merits and stands dismissed."

3.The petitioner, notwithstanding the dismissal of the case on merits, has once again approached this Court by filing the present writ petition.

4.This Court is unable to appreciate as to how the writ petition could be held to be maintainable in view of the earlier decision of this Court rendered on merits. In view of the same, this Court finds that the writ petition is not maintainable and therefore, the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. The General Manager,
Punjab National Bank,
Human Resource Development,
No.7, Bhikaji Cama place,
New Delhi - 110 066.
2. Deputy General Manager,
Punjab National Bank,
PF & Pension Fund Department,
Head office Rajendrabhawan,
Rajendran Place, New Delhi - 110 008.

W.P.No.16925 of 2019

and

W.M.P.No.16505 of 2019

ss(co)
nr 13/08/2019

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