

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No. 32649 of 2019

L.SUDHAKARA SARMA

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Petitioner

Vs

1 INDIAN OVERSEAS BANK
Rep by its Chairman Cum Managing Director
No 763, Anna Salai, Chennai-2.

2 General Manager
Indian Overseas Bank No 763
Anna Salai, Chennai-2.

3 Chief Officer
Personnel and Administration Department
Indian Overseas Bank, No 763,
Anna Salai, Chennai-2.

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Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the Respondents to consider the Option of the Petitioner for Pension dated 20.7.2018 in Terms of the circular issued by he Indian Banks Association Bearing No HR AND IR/CIR/G2/BRK/4684 dated 16.3.2018 and Sanction pension from the date of the Compulsory Retirement of the Petitioner pay arrears of pension and continue to pay Pension.

For petitioner :M/s. Balan Haridas

For Respondents:Mr.N.G.R.Prasad

ORDER

1.This Writ petition has been filed seeking to direct the Respondents to consider the Option of the Petitioner for Pension dated 20.7.2018 in Terms of the circular issued by he Indian Banks Association Bearing No HR AND IR/CIR/G2/BRK/4684 dated 16.3.2018 and Sanction pension from the date of the Compulsory Retirement of the Petitioner pay arrears of pension and continue to pay Pension.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. According to the petitioner, the petitioner has initially joined the Respondent Bank in Clerical Cadre on 20.03.2019 and written statement late promoted to Officer cadre. In respect of certain allegation of misconduct, the respondent Bank on 14.03.1998 imposed the punishment of dismissal and on appeal, the appellate authority modified the punishment by its order dated 26.09.1998 as one of compulsory retirement. The Indian Bank's Association by circular dated 16.03.2018 made eligible the persons who were compulsorily retired by punishment, for pension if the employee was in service prior to 29.09.1995. The petitioner is entitled for exercising option and he had exercised his option through his representation dated 20.07.2018. However, the respondent Bank has not responded. Hence this Writ Petition.

4. The learned counsel appearing for the petitioner would submit that without going into the merits of the case, it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation dated 20.07.2018 and to pass appropriate orders.

5. Considering the limited request made by the learned counsel appearing for the petitioner, I am inclined to issue direction to the respondents to consider the petitioner's representation dated 20.07.2018, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. The writ petition is accordingly disposed of. No costs.

7.

Sd/-
Assistant Registrar (J)

//True Copy//

Sub Assistant Registrar

jrs

To

1. INDIAN OVERSEAS BANK
Rep by its Chairman Cum Managing Director
No 763, Anna Salai, Chennai-2.

2. General Manager
Indian Overseas Bank No 763
Anna Salai, Chennai-2.

3. Chief Officer
Personnel and Administration Department
Indian Overseas Bank, No 763,
Anna Salai, Chennai-2.

+1cc to M/s. Balan Haridas, Advocate SR.97348
+1cc to Mr.N.G.R.Prasad, Advocate SR.96932

W.P.No. 32649/2019

(CO)
CB(17/12/2019)



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