



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :20.03.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WP(MD)No.4600 of 2017

M.Radhakrishnan
General Secretary,
Pandiyan Grama Bank Retired Officers Association,

... Petitioner

Vs.

The Chairman,
Pandiyan Grama Bank,
Administration Office,
Collectorate Complex,
Virudhunagar.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 24.08.2016 and to implement the service regulations of the respondent and pay gratuity calculated on the basis of basic pay along with dearness allowance for the petitioner members.

For Petitioner	: Mr.J.Anand Kumar
For Respondent	: Mr.N.Dilip Kumar

ORDER

This writ petition has been filed seeking to direct the respondent to implement the service regulations of the respondent and pay gratuity calculated on the basis of basic pay along with dearness allowance for the members of the petitioner Association, by considering the petitioner's representation dated 24.08.2016.

2.Upon notice, the respondent has filed a counter affidavit and the relevant portion of the same is extracted hereunder:

"10.Insofar as the contention in paragraphs 8, it is submitted that the petitioner contends that this respondent had not provided the calculation sheet on the one hand and contends having verified the calculation on the other. As per the norms of the Bank, in respect of officers, the Gratuity has been calculated taking into account the Basic pay, which is as per the norms in vogue and the contention of the petitioner is denied as misconceived and false. For 'Pay' Bank is following the definitions as per Section 2 (m) of service regulation



which states that "Pay" means basic pay drawn per month by the officer or employee in a pay scale including stagnation increments and any part of the emoluments which may specifically classified as pay under these regulations."

WEB COPY

3.The learned Counsel for the petitioner has stoutly refuted the above submission.

4.In such circumstances, without going into the merits of the case, the respondent is directed to consider the petitioner's representation dated 24.08.2016, on merits and in accordance with law and pass necessary orders, after affording opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is permitted to submit all the materials before the respondent for consideration.

5. Accordingly, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To
The Chairman,
Pandiyan Grama Bank,
Administration Office,
Collectorate Complex,
Virudhunagar.

+1CC TO Mr.J.Anand Kumar, Advocate, Sr No.55578
+1CC TO Mr.N.Dilip Kumar, Advocate, Sr No.55573

ORDER MADE IN
WP (MD) No.4600 of 2017
20.03.2019

dsk
MS/15.04.2019/2P.4C