

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7799 of 2017

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Veena Devi, Wife of late Laxmi Singh, Resident of Jagdamba Nagar, Kolhua,
Paigambarpur, P.O. M.I.T. P.S. Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. Indian Bank having its Corporate Office 254-260, Avvai Shanmugam Salai, Royapettah, Chennai-600104 through the Chief General Manager.
2. The General Manager (HRM), Indian Bank having is corporate Office 254-260, Avvai Shanmugam Salai, Royapettah, Chennai-600104
3. The Chief Manager (HRM), Indian Bank having is corporate Office 254-260, Avvai Shanmugam Salai, Royapettah, Chennai-600104
4. The Deputy General ManagerAccounts, Indian Bank having is corporate Office 254-260, Avvai Shanmugam Salai, Royapettah, Chennai-600104
5. The Zonal Manager, Indian Bank, Zonal Office, Patna.
6. The Branch Manager, Indian Bank, Ratnakar Bhawan, Motijhil, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Singh, Advocate
For the Respondent/s : Mr.Dr. Binay Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 18-05-2020 Heard learned counsel for the petitioner and the respondents.

The widow of the deceased employee is petitioner in this case. She has approached this Court against the action of the respondent as contained in Annexure-5, whereby ex-gratia admissible to the dependant of the employee on death was denied.

Calculation was made by the Bank on the basis of hypothetical 10% interest on corpus of Rs.1512458/- to deny the



ex-gratia to the petitioner.

From the materials available on the record, the Court is prima facie of the view that the hypothetical calculation of interest can be no ground to refuse ex-gratia. The respondents are required to calculate the interest on net profits on the basis of their calculation, the calculation of 10% interest is erroneous, as 9% interest was admissible on fixed deposit in 2013.

In the facts of the case, the writ petition is disposed of with a direction to the Zonal Manager, Indian Bank, Zonal Office, Patna to once again calculate the actual interest received by the petitioner on the total corpus excluding LIC settlement amount and other excluded amount indicated in the counter affidavit.

If it is found that the interest and pension received by the petitioner is less than 60% of the salary drawn by the husband of the petitioner then the Bank is under obligation to ensure payment of ex-gratia in terms of their own scheme.

Necessary decision in this regard may be taken by the respondent Zonal Manager of the Bank afresh within a maximum period of 10 weeks from today.

In the event, the actual interest received by the petitioner on the corpus is found less and the aggregate of



interest and family pension aggregate come to less than 60%,
the Bank shall be under obligation to ensure payment of ex-
gratia within the time frame as indicated hereinabove.

With the aforesaid, the writ application stands
disposed of.

(Anil Kumar Upadhyay, J)

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