

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.NO.2279 of 2020

K. Nirmala

... Petitioner

-Vs-

1. Union of India
Rep. by the Secretary,
Ministry of Finance,
Department of Financial Services,
Banking Division, Jeevan Deep Building,
Parliament Street, New Delhi 110 001.
2. Indian Banks Association,
Rep. by its Chairman,
World Trade Centre Complex
Centre-1, 6th Floor, Cuffee Parade
Mumbai 400 005.
3. The Lakshmi Vilas Bank Ltd.
Rep. by its Managing Director & CEO
Corporate Office, 'LVB House'
No.4. Sardar Patel Road
Guindy, Chennai 600 032.
4. Assistant Vice President,
HRD Department,
The Lakshmi Vilas Bank Ltd.
Corporate Office, 'LVB House'
No.4. Sardar Patel Road
Guindy, Chennai 600 032.
5. The Branch Officer
The Lakshmi Vilas Bank Ltd.
HRD Department, Administrative Office
Kathapara, Karur 636 006

6. The Branch Manager
The Lakshmi Vilas Bank Ltd.,
Uppilpalayam Service Branch
Coimbatore 641 018.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus calling for the records relating to the impugned letter bearing LVB/102-09.05/60/2017-18 dated 20.05.2017 issued by the fourth respondent and to quash the same and consequently direct the respondents 3 and 6 to process the petitioner application dated 19.04.2017 issued through her counsel and sanction family pension to the petitioner due to her husband Late Kasiviswanathan within a time frame.

For Petitioner : Mr. C. Murugesan

ORDER

This Writ Petition has been filed challenging the order passed by the fourth respondent dated 20.05.2017 rejecting the claim made by the petitioner for Family Pension.

2. It is seen from the records that the husband of the petitioner was working in the respondent bank and he was dismissed from service by the bank in the year 2004. He ultimately died in the year 2005.

3. The petitioner made a representation seeking for retirement benefits and for family pension. It is the further case of the petitioner that except family pension all other retirement benefits were settled in favour of the petitioner. Since the family pension was rejected, the present Writ Petition has been filed before this Court.

4. It is seen from the records that the grant of family pension and other pensionary benefits are governed by the regulations of the respondent bank. Regulation No.22(1) of the Lakshmi Vilas Bank Ltd., Pension Regulations 1995 reads as follows:

"Resignation or dismissal or removal or termination of an employee from the service of the Bank shall entail forfeiture of his entire past service and consequently shall not qualify for pensionary benefits".

5. In view of the above regulations, the respondent has rejected the claim made by the petitioner seeking for family pension. This Court does not find any ground to interfere with the rejection order passed by the respondent. The claim made by the petitioner for family pension is governed by the Regulations and the regulations does not provide for granting family pension in the cases where the concerned employee has been dismissed or removed from service.

6. In the result, this Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS V)

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Sub Assistant Registrar

bga

To

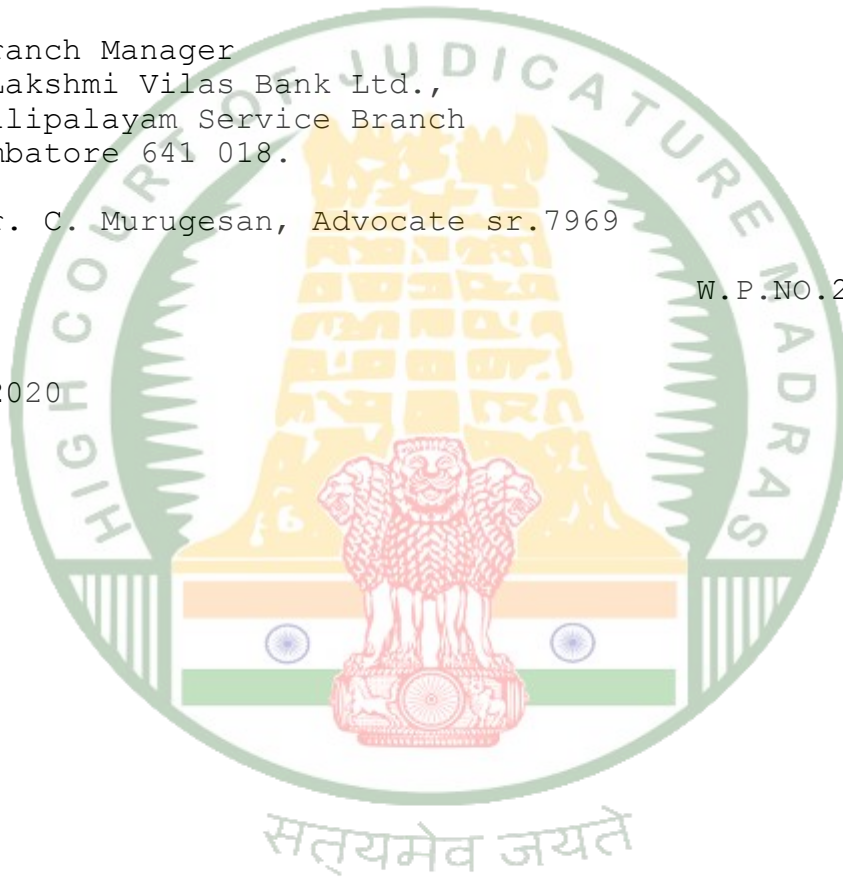
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+1cc to Mr. C. Murugesan, Advocate sr.7969

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nr 05/03/2020



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