

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :05.10.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO.25969 of 2013
and
M.P.No.1 of 2013

S.Amudha

..Petitioner

- Vs -

1. The Management of M/s. Syndicate Bank,
rep by its Managing Director,
Head Office, Manipal, Karnataka 576 119.

2. The General Manager, Personnel Dept.,
Syndicate Bank, Head Office,
Manipal, Karnataka 576 119.

3. The Chief Manager,
Syndicate Bank, Head Office,
Manipal, Karnataka 576 119.

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified Mandamus, calling for the records of the 2nd respondent in connection with the impugned circular No.360/2012/Bc dated 26.12.2012 issued by the 2nd respondent and quash the same in so far it has not extended the same benefits to opt for pension to the employees in the workmen cadre and consequently direct the respondents to consider the representations of the petitioner dated 24.01.2013 and 28.01.2013 made to the 2nd respondent exercising her option for pension scheme under the 2nd pension option circular NO.242/2010/BC dated 26.12.2012 and extended further under the circular No.360/2012/BC dated 16.09.2010 and grant her family pension following the death of the petitioners husband S.Surulinathan on 13.10.1999 while in service. (Prayer amended as per order 15.11.2017 by SMSJ in MP No.2/2013 in WP.25909/2013)

For Petitioner : Mr.M.Ramamoorthy

For Respondents: Mr.Anand for
M/S. T.S.Gopalan & Co.

ORDER

The writ petition was filed by the petitioner, to call for the records of the 2nd respondent in connection with the impugned circular No.360/2012/BC dated 26.12.2012 issued by the 2nd respondent and quash the same in so far it has not extended the same benefits to opt for pension to the employees in the workmen cadre and consequently direct the respondents to consider the representations of the petitioner dated 24.01.2013 and 28.01.2013 made to the 2nd respondent exercising her option for pension scheme under the 2nd pension option circular NO.242/2010/BC dated 16.09.2010 and extended further under the circular No.360/2012/BC dated 16.09.2010 and grant her family pension following the death of the petitioners husband S.Surulinathan on 13.10.1999 while in service.

2. According to the petitioner, the petitioner's husband joined the services of the 1st respondent as Sub Staff on 24.11.1980 and while in service at Puducherry Branch, he passed away on 13.10.1999. Thereafter the petitioner was given compassionate appointment as Sub Staff on 01.07.2000. It is the averment of the petitioner that under Circular dated 16.09.2010, the bank had extended the option for opting for pension for the 2nd time pursuant to the settlement dated 27.4.2010 entered into with the unions. The option was kept open between 17.09.2010 to 15.11.2010 for a period of 60 days. The grievance of the petitioner is that the petitioner was not aware of the same and hence could not exercise her option during the said period. Thereafter on 29.08.2012, the petitioner exercised option to join pension scheme and vide the communication dated 15.11.2012 the 3rd respondent denied the petitioner the option to join pension scheme as she had not opted for the same during the prescribed period. However, the 2nd respondent extended the duration for opting for pension scheme to the officers up to 23.02.2013. On 24.01.2013, the petitioner sent a representation through the Branch Manager, Tondiarpet Branch to the 2nd respondent which was followed with a reminder on 28.01.2013. However till date the 2nd respondent has not considered the representation of the petitioner for opting to join the pension scheme under circular dated 16.09.2010 and extended further vide circular dated 26.12.2012. In the above circumstances, the present writ petition has been filed.

3. Learned counsel appearing for the petitioner submitted that though the petitioner exercised her option to join the pension scheme on 24.01.2013 which is within the period to exercise the option, however her request was not considered till date. Therefore, it would suffice if this Court directs the

respondents to consider the petitioner's case, in accordance with law, within a reasonable time as fixed by this Court.

4. On the above contention, this Court heard the learned standing counsel appearing for the respondents, who has no serious objections to such a direction being passed.

5. In view of the limited relief sought for, without going into the merits of the issue, this Court directs the 1st respondent to consider the petitioner's option letter dated 24.01.2013, in accordance with law and pass orders thereon within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed off. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Management of M/s. Syndicate Bank,
rep by its Managing Director,
Head Office, Manipal, Karnataka 576 119.
2. The General Manager, Personnel Dept.,
Syndicate Bank, Head Office,
Manipal, Karnataka 576 119.
3. The Chief Manager,
Syndicate Bank, Head Office,
Manipal, Karnataka 576 119

+1cc to M/s.T.S.Gopalan & Co. in SR.NO..32962

+2cc to Mr.M.Ramamoorthi, Advocate in SR.NO..32563

W.P. NO. 25969 of 2013

PPA(CO)
RV(05/11/2020)