

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 04.08.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO.32650 OF 2013

AND

M.P. NO. 1 OF 2013

Mrs. Premila David

.. Petitioner

- Vs -

1. The General Manager (P)
Syndicate Bank
Staff Welfare Association
Head Office, Manipal 576 104.

2. The Chief Manager
Syndicate Bank
Kodambakkam Branch
Kodambakkam, Chennai 600 024.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the 1st respondent to implement the terms of settlement Joint Note/dated 27.4.2010 by granting the petitioner's pension from the date of retirement 29.11.1999 as per the application made by the petitioner to the 2nd respondent on 5.10.2010.

For Petitioner : Mr. David Thyagaraj

For Respondents : Mr. Anand Gopalan, for
M/s. T.S.Gopalan & Co. for R-2

ORDER

It is the case of the petitioner that she was employed with the 1st respondent bank for 23 years and had not opted for pension initially, but later the petitioner opted for pension as per the settlement under the pension scheme dated 27.4.2010 by submitting her application to the 2nd respondent on 5.10.10. But no orders have been passed on the said representation till date though the petitioner is entitled to pension from the date of her retirement. Therefore, the petitioner is before this Court with the prayer as above.

2. Learned counsel appearing for the petitioner submits that though initially the petitioner did not opt for pension, however, at the time of grant of third option on the basis of the settlement on 27.4.2010, the petitioner submitted her application dated 5.10.2010 opting for pension. However, the said request has not been granted by the respondent. It is the further submission of the learned counsel for the petitioner that vide W.P. No.24284/2018, the petitioner has challenged the circular dated 16.9.10 and prayed for quashment of the said circular and had also sought for consequential relief of grant of pension on the ground that the circular cannot override the regulations issued by the Bank and the said writ petition is pending. Therefore, learned counsel for the petitioner seeks the permission of this Court to close the present writ petition and permit the petitioner to canvass all the points raised in this writ petition in W.P. No.24284/2018.

3. Learned counsel appearing for the 2nd respondent submits that the pension scheme permits only such of those persons, who had retired on superannuation or had retired from service on voluntary retirement to exercise the option as per the settlement dated 27.4.10, which is given in the circular dated 16.9.10. Since the petitioner does not fall under the above two categories of persons, her representation for exercising the option was not considered. However, it is fairly conceded that since the said circular is under challenge in W.P. No.24284/18, this Court may close this writ petition and grant liberty to the petitioner to canvass the points raised herein in W.P. No.24284/18.

4. In view of the stand taken by the learned counsel appearing on either side, this Court, without going into the merits of the issue and without expressing any opinion with regard to the entitlement of pension to the petitioner, is inclined to close the present writ petition by granting liberty to the petitioner to canvass all the points raised herein in W.P. No.24284/18.

5. Accordingly, this writ petition is closed by granting liberty to the petitioner to canvass all the points raised in the present writ petition to be canvassed in W.P. No.24284/18. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Copy to:

+lcc to Mr.David Tyagaraj, Advocate in SR.26053, dt:5.8.2020

W.P. NO. 32650 OF 2013

MR (CO)

RV (11/09/2020)



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