

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 03.09.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.33952 of 2013

A.Deenadayalan

.. Petitioner

- Vs -

1.Indian Bank,
rep. By its Chairman & Managing Director,
No.66, Rajaji Salai,
Chennai 600 001.

2.The Executive Director,
Indian Bank,
Chennai 600 001.

3.The General Manager (PR)
Indian Bank,
Chennai 600 001.

4.The Chief Manager (PL)
Indian Bank,
Chennai 600 001.

.. Respondents

Writ petitions filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the respondents to consider grant of pension to the petitioner upon his Voluntary Retirement from service in the Post of Clerk-cum-Cashier in terms of Regulation 5 of Indian Bank Employees Pension Regulations and in the light of the ration laid down by this Honourable Court in Judgement dated 19.4.2010 in P.Perumal -vs. - Government of Tamil Nadu Transport Department and two others and to accordingly grant to the petitioner all pensionary benefits with effect from 31.12.2000 A.N. along with all subsequent revision of Pension and to pay him the arrears with 12% interest per annum till the date of actual payment.

For Petitioner : M/S. M.Ravi

For Respondents: M/s.Rita Chandrasekar for
M/S.Aiyar and Dolia

ORDER

The petition has been filed by the petitioner, to direct the respondents to consider grant of pension to the petitioner upon his Voluntary Retirement from service in the Post of Clerk-cum-Cashier in terms of Regulation 5 of Indian Bank Employees Pension Regulations and in the light of the ratio laid down by this Honourable Court in Judgement dated 19.4.2010 in P.Perumal -vs. - Government of Tamil Nadu Transport Department and two others and to accordingly grant to the petitioner all pensionary benefits with effect from 31.12.2000 A.N. along with all subsequent revision of Pension and to pay him the arrears with 12% interest per annum till the date of actual payment.

2.The case of the petitioner is that the petitioner was appointed as Clerk Cum Cashier in the Indian bank through the Banking Services Recruitment Broad and joined service in the year 1984 and subsequently, completed the period of probation in the 1985. During the year 2000, the respondent bank introduced 'Indian Bank Employees Voluntary Retirement Scheme 2000', according to which all permanent employees with minimum of 15 years of service and who have completed 40 years of age as on 26.12.2000 were eligible to avail the scheme. It is further case of the petitioner that in order to avail such VRS benefit, he applied for voluntary retirement and it was accepted with effect from 31.12.200 by the respondent bank and he was relieved from duty on 31.12.2000 AN. There was no order with regard to pensionary benefits. Thereafter the petitioner was making repeated representations for sanction of pensionary benefits and he was informed by the Officials that though he had completed 16 years 5 months and 10 days of service up to 31.12.2000, he had availed only 623 days of leave on loss pay and deducting the same, the qualifying service to the credit of the petitioner comes to only 14 years and 9 months and since he had not completed 15 years of qualifying service for, his request for grant of pensionary benefits cannot be entertained. In such a situation, the petitioner submitted written representations dated 13.01.2003, 08.12.2003 and 26.07.2005 and as there was no reply, he has come forward to file the present petition.

3.Learned counsel appearing for the petitioner drew the attention of this Court that the very same issue was covered by the order of this Court dated 19.04.2020 in WP.No.29695 of 2004 that fraction of service of six months or more shall be treated as one year. Hence this Court may issue a direction to the respondent bank to consider the petitioner's representation dated 18.09.2010 for sanction of Pensionary benefits within a reasonable time as fixed by this Court.

4.Learned Standing counsel appearing for the respondent bank submits that the petitioner's representation will be considered in accordance with law and as per the decision taken by the Hon'ble Apex Court as well as the decision of this Court.

5.Considering the limited request made by the learned counsel for the petitioner and the consent view expressed by the learned standing counsel for the respondent, without going into the merits of the case, I am inclined to issue a direction to the respondent bank to consider the petitioner's representation dated 19.08.2020 in accordance with law and pass appropriate orders within a period of 3 months from the date of receipt of copy of this Order.

6. This writ petition is disposed of with the aforesaid direction. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

jrs

To

- 1.Indian Bank,
rep. By its Chairman & Managing Director,
No.66, Rajaji Salai,
Chennai 600 001.
- 2.The Executive Director,
Indian Bank,
Chennai 600 001.
- 3.The General Manager (PR)
Indian Bank,
Chennai 600 001.
- 4.The Chief Manager (PL)
Indian Bank,
Chennai 600 001.

W.P. NO.33952/2013

AJS(CO)
RMP(07/10/2020)