

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Writ Petition No.34417 of 2013
and
WMP No.12206 of 2020

G.Murugesan

...Petitioner

vs.

1. UCO Bank Limited,
rep. by its Chairman and Managing Director,
Head Office,
10, B.T.M.Sarani,
Kolkatta - 700 001.

2. The Zonal Manager,
UCO Bank,
Zonal Office,
328, Thambu Chetty Street,
Chennai 600 001.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the 1st Respondent to consider the representation dated 03.05.2013 and the reminders dated 17.08.2013, 19.09.2013 and 29.10.2013 preferred by the Petitioner, within a time frame.

For Petitioner : Mr.N.Pragasam,
for M/s.R.Sreerangan
For Respondents : Mr.Srinath Sridevan

ORDER

Petitioner has come up with this Writ Petition seeking a direction to the 1st Respondent to consider his representation dated 03.05.2013 and the reminders dated 17.08.2013, 19.09.2013 and 29.10.2013, within a stipulated period.

2. According to the Petitioner, he joined the Respondent Bank on 25.07.1981 as a Clerk. On 06.04.1998, he was promoted as Officer and transferred to Bhopal, which transfer is contrary to the Official Memorandum, dated 24.06.1985 of the Government of India. Resisting the said transfer, he made a representation on 22.04.1998, however, there was no reply. Hence, he filed

W.P.No.15458 of 1998 before this Court and an order of stay was granted on 29.09.1998. The said order of stay was made absolute on 11.11.1998.

3. Pending the said Writ Petition, the Respondent Bank transferred the Petitioner to Mount Road Branch in Chennai. As the said transfer was unconditional and that, no purpose would be served in pursuing the matter, the said Writ Petition was dismissed as infructuous on 13.02.2003.

4. Pursuant thereto, the Respondent Bank revived the earlier order of transfer dated 06.04.1998 to Bhopal, on the ground that, W.P.No.15458 of 1998 came to be dismissed. Hence, the Petitioner was constrained to file another Writ Petition in W.P.No.23804 of 2003. By an order dated 18.06.2003, this Court directed the Respondent Bank to dispose of the Petitioner's representation dated 23.04.2003 within a month. On 26.07.2003, the Respondent Bank disposed of the Petitioner's representation on the ground that, the earlier order of transfer to Bhopal, stands.

5. Thereafter, a letter dated 25.05.2006 was addressed to the Petitioner to his Pulianthope address, by the Deputy General Manager, Chennai, enclosing a copy of the Notification dated 19.07.2006 issued by the Assistant General Manager, Bhopal, informing that, they had appointed an Enquiry Officer and Presiding Officer with regard to the charge sheet dated 04.04.2006, as the Petitioner did not report for duty at Bhopal, after being relieved from Chennai and has disobeyed the transfer order dated 19.02.2003, which is in violation of Regulation 13.

6. In view of the same, the Petitioner was denied employment since 19.02.2003, and he challenged the said order of transfer in W.P.Nos.28027 and 28028 of 2008. By an order dated 09.02.2007, the said Writ Petitions were allowed, thereby, quashing the transfer order to Bhopal and the disciplinary proceedings for his alleged refusal to join at Bhopal. Subsequently, the Petitioner was transferred and posted at Zonal Office, Bangalore, by transfer order dated 01.10.2007.

7. Thereafter, on 03.06.2011, the Petitioner was promoted as Scale II Officer, much after several of his juniors were promoted. It is his case that, the pay and allowances due to him were not paid to him, as he is contesting the case regarding reservation in promotion before the Apex Court. The Petitioner made a representation dated 03.05.2013 to the Respondents to release the correct pay due to him after proper fixation by counting his service and grant him all benefits due to him and he also sent reminders dated 17.08.2013, 19.09.2013 and

29.09.2013 in that regard. Pending consideration of the same, the Petitioner has come up with the above Writ Petition.

8. Learned counsel for the Petitioner submitted that, the Petitioner retired from service during the pendency of the Writ Petition and that, only a portion of his retirement benefits has been settled and that, major portion of the same is yet to be settled.

9. On the other hand, learned counsel appearing for the Respondent-Bank submitted that, a sum of Rs.7,59,463/- towards retirement benefits has already been paid to the Petitioner apart from deducting a sum of Rs.60,183/- towards TDS and that, only a sum of Rs.56,970/- is payable to the Petitioner after approval from the Head Office.

10. In reply, learned counsel for the Petitioner submitted that, the Petitioner may be permitted to make a fresh representation to the Respondents, in respect of settlement of the balance amount towards retirement benefits and the same may be directed to be considered within a reasonable time.

11. Having regard to the submissions made by the learned counsel on either side and without going into the merits of the case, this Court directs the Petitioner herein to send a fresh representation to the Respondent-Bank in respect of payment of the balance amount due to him, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the Respondent-Bank shall consider the same and pass appropriate orders on merits and in accordance with law within a period of twelve (12) weeks.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

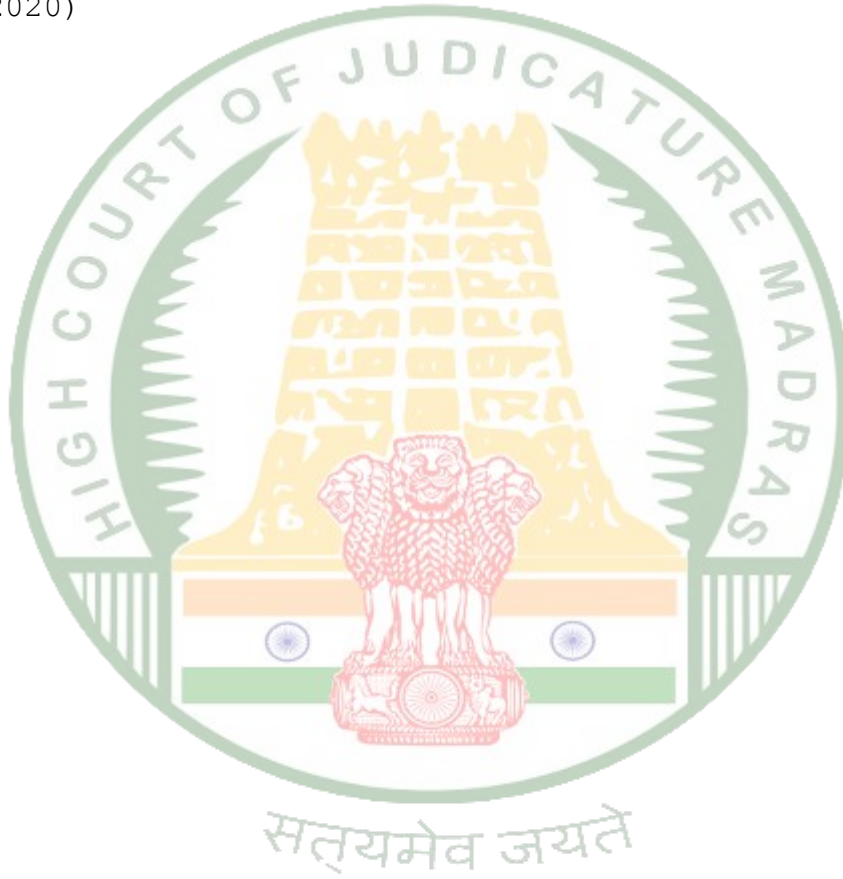
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+2cc to M/s.R.Sreerangan, Advocate, S.R.No.37219

W.P.No.34417 of 2013

RSV(CO)
RV(18/12/2020)



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