



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.17710 of 2020

(Through Video Conferencing)

WEB COPY

M.Chellamal

... Petitioner

Vs

1.The Regional Manager,
Indian Overseas Bank,
552/1, Veturnimadam,
Nagercoil, Kanyakumari District.

2.The Branch Manager,
Indian Overseas Bank,
Eraniel Branch,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to disburse the pension amount in A/c.No.012901000007721, based on the petitioner's representation dated 28.09.2020 within the period stipulated by this court.

For Petitioner : Mr.H.Velavadhas
For Respondents : Mr.N.Dilip Kumar
Standing Counsel

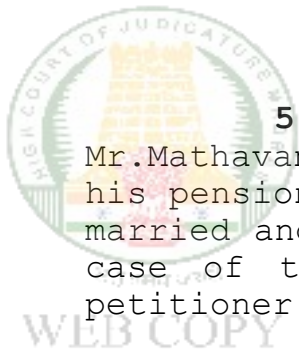
ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to disburse the pension amount in A/c.No.012901000007721, based on the petitioner's representation dated 28.09.2020, within a time frame to be fixed by this Court.

2. Mr.N.Dilip Kumar, learned Standing Counsel accepts notice on behalf of the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard Mr.H.Velavadhas, learned counsel for the petitioner and Mr.N.Dilip Kumar, learned Standing Counsel for the respondents.

4. It is the case of the petitioner that her husband Mr.Mathavan Pillai, retired as an employee in the Tamil Nadu Electricity Board on 29.02.1996. Ever since his retirement, he has received the pension, however, due to his serious illness and being bed ridden and not in a sound state of mind, he was unable to operate the pension account on his own.



5. It is the case of the petitioner that her husband Mr.Mathavan Pillai is totally dependent on her for the operation of his pension account. It is also her case that her two daughters are married and well settled and they are living separately. It is the case of the petitioner that the only source of income for the petitioner and her husband Mr.Mathavan Pillai is the pension amount.

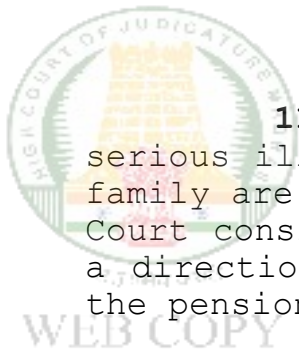
6. It is the case of the petitioner that now the respondents are not permitting the petitioner to operate the pension account and they are insisting that only Mr.Mathavan Pillai / her husband will have to operate the pension account. According to the petitioner, as it is impossible for Mr.Mathavan Pillai to operate the pension account on his own due to his serious illness, she has given a representation on 28.09.2020 to the respondents requesting them to grant permission for her to operate the pension account of her husband Mr.Mathavan Pillai.

7. It is the case of the petitioner that Mr.Mathavan Pillai is eighty years old and without the pension money, they are unable to maintain their family and they are unable to bear the cost of medical expenses incurred by Mr.Mathavan Pillai. It is also stated in the affidavit filed in support of the Writ Petition that the second respondent visited the petitioner's home on 29.09.2020 and he knows very well about the present medical condition of Mr.Mathavan Pillai. In such circumstances, this Writ Petition has been filed.

8. The learned Standing counsel appearing for the respondents has not raised any serious objection to the contentions raised by the petitioner in this Writ Petition.

9. The petitioner has filed a representation dated 28.09.2020 requesting the respondents to permit her to operate the pension account of her husband Mr.Mathavan Pillai due to his serious illness. A reply has also been received by the second respondent on 17.10.2020 which has also been filed in the typed set of papers filed along with this Writ Petition. In the said reply, the second respondent has admitted that the Senior Manager has visited the house of Mr.Mathavan Pillai on 29.02.2020 and he is also aware of the fact that Mr.Mathavan Pillai is in unconscious state of mind and he is unable to respond to the questions put by the Senior Manager. In the said reply dated 17.10.2020, the second respondent has informed the petitioner that they are unable to accede to the request of the petitioner and has requested the petitioner to produce an order from the competent Authority.

10. As seen from the reply dated 17.10.2020, sent by the second respondent, the respondents do not have any objection if an order of Court has been obtained by the petitioner permitting the petitioner to operate the pension account of Mr.Mathavan Pillai.



11. In view of the old age of Mr.Mathavan Pillai and his serious illness and in view of the fact that the petitioner and her family are totally dependent on the pension amount and further, this Court considering the pathetic case, will have to necessarily issue a direction to the respondents to permit the petitioner to operate the pension account of Mr.Mathavan Pillai.

12. For the foregoing reasons, this Court directs the second respondent to disburse the pension amount along with arrears as on date in A/c.No.012901000007721 standing in the name of Mr.Mathavan Pillai, after obtaining consent letters from the daughters of Mr.Mathavan Pillai, within a period of one week from the date of receipt of a copy of this order.

13. With the aforesaid direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

tsg

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

The Branch Manager,
Indian Overseas Bank,
Eraniel Branch,
Kanyakumari District.

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-24230[F] dated
07/12/2020)

W.P. (MD) No.17710 of 2020
07.12.2020

MJ(CO)
KB(17.12.2020) 3P 3C