

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 05.02.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.5095 of 2009

A.R.Lakshmanan

... Petitioner

Vs.

1.Bank of Baroda rep. by
the Chairman & Managing Director,
Central Office,
Baroda Corporate Centre,
'G' Block, C-26, Bandra-Kurla Complex,
Bandra (East),
Mumbai - 400 051.

2.The Competent Authority for
Pension Regulations,
(Assistant General Manager),
Bank of Baroda, Head Office, Baroda House,
P.B.No.506, Mandvi,
Baroda - 390 006.

.... Respondents

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to revise and pay to the petitioner from the date of his retirement the basic pension on the basis of his average emoluments based on the revised scales of pay effective from 01.11.1992 as laid down in regulation 2(d) read with regulation 35(2) of the Bank of Baroda (Employees') Pension Regulations, 1995.

For Petitioner : Mrs.Rita Chandrasekar
for M/s.Aiyer & Dolia

For Respondents : Mr.M.Arun Kumar
for M/s.Sampath Kumar Associates

ORDER

The prayer sought for in this writ petition is to issue a writ of mandamus directing the respondents to revise and pay to the petitioner from the date of his retirement the basic pension on the basis of his average emoluments based on the revised

scales of pay effective from 01.11.1992 as laid down in regulation 2(d) read with regulation 35(2) of the Bank of Baroda (Employees') Pension Regulations, 1995.

2.The petitioner joined in the respondent Bank on 07.01.1963 and after having served for long years, he retired voluntarily from service with effect from 31.07.1993 in terms of Regulation 29 of the Pension Regulations. At the time of voluntary retirement, he was the officer in Senior Management Grade Scale IV attached to the Zonal Office at Chennai as Chief Manager. With regard to the salary and pensionary benefits, the petitioner has got some grievance and in this context, even though some correspondence had been there, the request of the petitioner has not been considered and in fact, on 08/10 July, 2006 the petitioner's letter dated 16.06.2006 in connection with payment of pension has been replied by the respondent Bank stating that, the pension calculation of the petitioner has been accorded to in terms of the guidelines provided by IBA subsequent to Joint Note effective from 01.11.1992.

3.However, not satisfying with the said reply given by the Bank, the petitioner has given a detailed request on 11.07.2006, where, he has given a calculation by giving two table, where, in one table he has mentioned what is the yardstick to be adopted by calculating the pension of the petitioner and what has been the correct yardstick actually to be adopted by calculating the pension has also been given. Therefore, this detailed representation though has been given by the petitioner on 11.07.2006, since the same was not considered and no disposal was given either way by the respondent Bank, he has approached this Court by filing this writ petition.

4.Today when the case is taken up for hearing, Mrs.Rita Chandrasekar, learned counsel appearing for the petitioner would submit that, though the petitioner is in advanced age of 80 plus, at this stage, even he is not getting any fruitful reply from the respondents as his request dated 11.07.2006 has been kept all these years and no disposal has been given. Therefore, the learned counsel would submit that, if the calculation given by the petitioner in the representation dated 11.07.2006 is directed to be considered by the respondents and accordingly, if they pass an order on merits with regard to the plea raised by the petitioner within a time frame that may be stipulated by this Court, the petitioner would be satisfied.

5.Heard Mr.M.Arun Kumar, learned Standing Counsel appearing for the respondent Bank, who would submit that, the pensionary benefits whatever payable to the petitioner have already been calculated and being paid to the petitioner and insofar as the subsequent representation dated 11.07.2006 if the same is not so

far considered, which means, there is no merits in the said representation, hence, the learned Standing Counsel for the respondent Bank would submit that, the prayer sought for in this writ petition is untenable, therefore, the writ petition is liable to be rejected.

6. On consideration of the said submissions made by both sides and having considered the aforesaid factual matrix, this Court feels that, since the petitioner has given a detailed representation on 11.07.2006, where, he has given the actual calculation which he expected to be taken into account by the Bank and a table also has been given in the said representation as to what is the correct yardstick to be adopted for arriving at the basic pension of the petitioner, according to the petitioner's calculation, certainly the Bank should have given consideration of the same and it should have been disposed of on merits, however, the same seems to have been not disposed of even till date and the same is kept pending. Therefore, this Court is inclined to dispose of this writ petition with the following direction:

The respondents are hereby directed to consider the representation of the petitioner dated 11.07.2006 and decide the same on merits and in accordance with law and in this regard, any further particulars are to be sought from the petitioner, the same can also be called for, by sending a communication to the petitioner and accordingly, pass final orders thereon within a period of two months from the date of receipt of a copy of this order.

7. With this direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//सत्यमेव जयते

Sub Assistant Registrar

Sgl

To

1. The Chairman & Managing Director,
Central Office,
Baroda Corporate Centre,
'G' Block, C-26, Bandra-Kurla Complex,
Bandra (East),
Mumbai - 400 051.

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2.The Assistant Manager/Competent Authority
Bank of Baroda, Head Office, Baroda House,
P.B.No.506, Mandvi,
Baroda - 390 006.

+1cc to Mr.Sampath Kumar, Advocate SR.6503

W.P.No.5095 of 2009

AJB (CO)
CB(26/02/2021)



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