

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.01.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.11457 of 2020

R.Vasantha Bai

... Petitioner

Vs

The Chief General Manager,
State Bank of India,
Local Head Office,
No.16, College Road,
Chennai-6.

... Respondent

Prayer : Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to sanction Encashment of leave (11 months and Provident Fund Employee Contribution) dues payable to the petitioner on the death of her husband late M.Rajarathinam along with interest at 12% per annum in the light of the law laid down by this Court in W.A. (MD) No.105 of 2019, dated 31.07.2019.

For Petitioner : Mr.V.Vijay Shankar

For Respondent : Mr.K.Sankaran

O R D E R

The petitioner has come forward with the prayer seeking a direction to the respondent to sanction encashment of leave (11 months and Provident Fund Employee Contribution) dues payable to the petitioner on the death of her husband late M.Rajarathinam, along with interest at 12 % per annum in the light of the law laid down by this Court in W.A.(MD).No.105 of 2019, dated 31.07.2019.

2. The case of the petitioner is that her husband is an employee of the State Bank of India, who is no more and he was imposed a punishment of dismissal from service as on 11.04.2007 for various misconducts said to have been committed by him. Challenging the said order W.P.No.5147 of 2012 has been filed and the same is pending. In the present case, the petitioner is seeking for a direction to the respondent to permit her to have

the benefit of encashment of leave for 11 months and Provident Fund and other benefits due to her husband, namely, late M.Rajarithnam, to be paid together with interest from the date the amount became due.

3. Mr.V.Vijay Shankar, learned counsel appearing for the petitioner submitted that since yet another Writ Petition in W.P.No.5147 of 2012 is pending, the same may be tried and heard along with the present writ petition and depending upon the outcome of the said Writ Petition, the benefit as sought for in this Writ Petition, may be extended to the petitioner.

4. Mr.K.Shankaran, learned counsel appearing for the Bank submitted that there is no need to wait for the disposal of W.P.No.5147 of 2012 and in case the petitioner succeeds in the said Writ Petition, the entire benefits payable to her late husband will be extended to the petitioner in terms of the service Regulations applicable to the Bank employees and therefore, this Writ Petition may be closed with the observation that depending upon the outcome of the result in W.P.No.5147 of 2012, the benefits will be extended. He further submitted that the second writ petition is not maintainable, as the entire relief is available to her, in case she succeeds in other writ petition .

5. Admittedly, W.P.No.5147 of 2012 is pending before this Court as on date and the entitlement of the benefits to the petitioner, would be considered by the Bank only after disposal of W.P.No.5147 of 2012. Hence, this Court, without going into the contentions of both the parties on merits, is inclined to close the Writ Petition. Accordingly, the Writ Petition is closed, with an observation that depending upon the outcome of the writ petition in W.P.No.5147 of 2012, the benefits shall be extended to the petitioner based on the Service Rules applicable to the Bank Employees. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vum

+lcc to Mr.V.Vijay Shankar, Advocate Sr.946

W.P.No.11457 of 2020

smi[co]
srg 19/02/2021