

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.6862 of 2014

1.M.Kasthuri
2.N.Karthik

...Petitioners

Vs

1.The Chief General Manager,
State Bank of India,
No.16, Circle Top House,
Aparna Complex,
College Road, Chennai - 600 006.

2.The Chief Manager,
State Bank of India,
Mylapore Branch,
No.46/1, Luz Church Road,
Mylapore, Chennai - 600 004.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to disburse the terminal benefits payable in respect of the death of M.Shankar (P.F.Index No.2782170) to the Petitioners with due interest for the said belated payment.

For Petitioners : Mr.J.Lakshmi Narayanan
For Respondents : Mr.Makesh

सत्यमेव जयते
ORDER

The prayer made in this writ petition is to direct the respondents to disburse the terminal benefits payable in respect of the death of M.Shankar (P.F.Index No.2782170) to the Petitioners with due interest for the said belated payment.

2.According to the petitioners, they are the mother and brother of one M.Shankar, who was appointed as sweeper-cum-waterman in the second respondent bank on 14.02.1986 and died, while he was in service on 09.07.2007. The deceased was not having any family and he nominated his mother i.e., the first petitioner to receive his provident fund accumulations. Since his mother predeceased him on 23.07.1997 and his another brother

M.Narayanan also predeceased him on 04.11.2000, the second petitioner is the only surviving legal heir to receive the terminal benefits on the death of the deceased. Stating so, he made a representation dated 10.04.2013 to the respondents requesting to disburse the terminal benefits, which was not considered till date. Hence, this writ petition.

3.Upon notice, the respondents filed a detailed counter affidavit inter alia stating that the deceased was a married person and his wife is still alive, which fact was suppressed by the petitioner; and an affidavit was filed to the effect that the deceased has no family. It is also stated therein that though the petitioners are the nominees of the deceased, they do not have any right or claim on the terminal benefits as they are not coming under the purview of the definition of 'Family' as prescribed under the State Bank of India Employees' Gratuity Fund Rules and Regulations and therefore, the writ petition is not maintainable.

4.The averments so made in the counter affidavit filed by the respondents are seriously refuted by the learned counsel for the petitioners.

5.Considering the rival submissions, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioner dated 10.04.2013 and pass appropriate orders, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6.Accordingly, this writ petition stands disposed of. No costs.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

msv

To

1.The Chief General Manager,
State Bank of India,
No.16, Circle Top House,
Aparna Complex,
College Road, Chennai - 600 006.

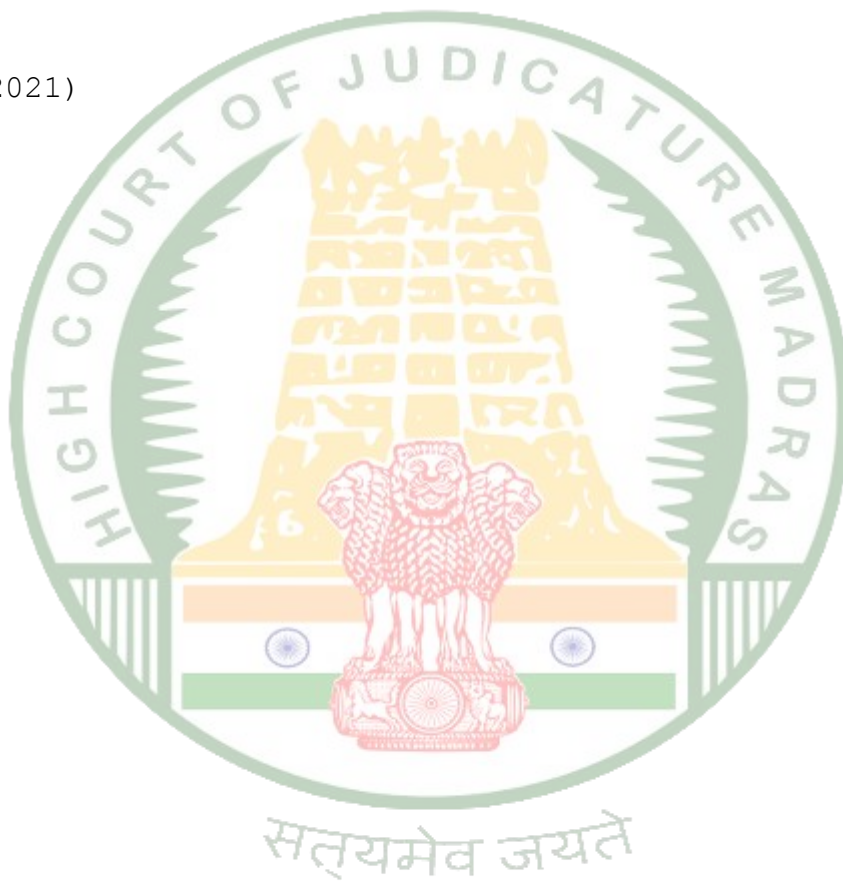
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2.The Chief Manager,
State Bank of India,
Mylapore Branch,
No.46/1, Luz Church Road,
Mylapore, Chennai - 600 004.

+1 CC to Mr.J.Lakshmi Narayanan, Advocate sr 3183.

W.P.No.6862 of 2014

GPL(CO)
SP(18/05/2021)



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