



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.07.2021

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THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.34794 of 2019
and
W.M.P.No.35560 of 2019

V.Perumal

.. Petitioner

-vs-

1. The Bank of Baroda,
Rep by its Deputy General Manager,
(CMRI) Regional Office, Chennai Region,
No.10, C.P.Ramasamy Salai,
Alwarpet, Chennai - 600 018.

2. The Bank of Baroda,
Rep by Deputy General Manager,
Regional Office (Madurai Region),
2nd Floor, Aparna Towers,
No.2,3, Bye-pass Road,
Madurai - 625 016.

.. Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 1st respondent to disburse all monetary retirement benefits and pension etc., to the petitioner within a time.

For Petitioner : Mr.K.Sathish

For Respondents : M/s.T.S.Gopalan & Co

O R D E R

By consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein, had sought for issuance of the Writ of Mandamus, directing the first respondent to disburse the retirement benefits and the pension. The learned counsel for the petitioner submitted that they would be satisfied, if a direction is issued to the respondents to disburse the provisional pension.



3. The petitioner herein, had reached age of superannuation, on 31.12.2018, under the respondents Bank. His grievance is that the respondents have not disbursed his terminal benefits, alleging that the genuinity of his Community Certificate is under scrutiny, before the State Level Scrutiny Committee. The disciplinary proceedings initiated against the petitioner, has also been kept in abeyance, in view of the pendency of the proceedings before the State Level Scrutiny Committee.

4. The learned counsel for the petitioner submitted that the petitioner is entitled for payment of provisional pension, which was being paid to him till the month of March, 2021 and thereafter was discontinued after the State Level Scrutiny Committee had cancelled his Community Certificate. It is his further submission that as against the decision of the State Level Scrutiny Committee, he had filed the writ petition in W.P.No. 4484 of 2021, which is pending.

5. The issue as to whether the genuinity of the petitioner's Community Certificate can be sustained or not, requires to be decided by the Hon'ble Division Bench in the writ petition and the disbursement of the terminal benefits, would be subject to such a decision. However, the respondents may not be entitled to withhold the petitioner's provisional pension, which is claimed by the petitioner which have been paid in March, 2021. Merely because the State Level Scrutiny Committee had cancelled the Community Certificate of the petitioner, cannot be a ground to stop the petitioner's provisional pension, particularly, when the petitioner had challenged the decision of the State Level Scrutiny Committee before this Court and the same is pending. Nevertheless, if the respondents are granted liberty to consider the petitioner's request, on its own merits within a stipulated time, the ends of justice could be secured.

6. In the light of the above observation, the petitioner is granted liberty to make an appropriate representation before the respondents herein, seeking for disbursement of the provisional pension and on receipt of the same, the respondents herein, shall consider on its own merits and take necessary course of action in accordance with law, atleast within a period of four weeks from the date of receipt of such representation.

7. Accordingly, the writ petition stands disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar



Pns

To

1.The Deputy General Manager,
Bank of Baroda,
(CMRI) Regional Office, Chennai Region,
No.10, C.P.Ramasamy Salai,
Alwarpet, Chennai - 600 018.

2.The Deputy General Manager,
Bank of Baroda,
Regional Office (Madurai Region),
2nd Floor, Aparna Towers,
No.2,3, Bye-pass Road,
Madurai - 625 016.

+1cc to M/s.T.S.Gopalan & Co, Advocate Sr No.36755

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and
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KSM (CO)
PR (26/08/2021)