



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MRS.JUSTICE **S.ANANTHI**

W.A. (MD) No.196 of 2021

A.L.Vallikannu

: Appellant/Petitioner

Vs.

- 1.The General Manager,
Indian Overseas Bank,
Welfare Section, Central Office,
763, Anna Salai,
Chennai - 600 002.
- 2.The Chief Manager,
Indian Overseas Bank,
Personnel - Administration Department,
Central Office, 763, Anna Salai,
Chennai - 600 002.
- 3.The Regional Manager,
Indian Overseas Bank,
Cantonment,
Trichy - 1.
- 4.The Branch Manager,
Indian Overseas Bank,
Crawford Branch,
Trichy - 12.
- 5.Mahalakshmi
- 6.Minor Anupriya
- 7.Minor Nagendravarman

: Respondents/Respondents

[Minor respondents 6 & 7 are represented by their natural guardian and mother - fifth respondent]

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent as against the order dated 09.12.2020 made in W.P. (MD) No.20355 of 2015.

Prayer in WP (MD). 20355/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the Respondents to implement the order passed in O.S.No.362 of 2011 on the file of the Principal District Munsif Court, Tiruchirappalli dated 10.9.2013 for sanctioning the death terminal benefits of the Petitioners husband namely S.P.Alagappan to



the Petitioner and also directing the Respondents to pay the pension to the Petitioner.

For Appellant : Mr.C.Vakeeswaran
For Respondents : Mr.N.Dilip Kumar
Standing Counsel for RR.1 to 4
Mr.V.Selvakumar
for RR.5 to 7

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JUDGMENT

(Judgment of the Court was delivered by **M.M.SUNDRESH, J.**)

This appeal has been filed by the appellant aggrieved over the order of the learned Single Judge, who while declining to exercise the discretionary power, directed the appellant to approach the Civil Court.

2. As rightly submitted by the learned Counsel appearing for the appellant, the Civil Court merely confirms the right. Secondly, the decree covers the terminal benefits alone. Therefore, the question arises is the consequential reliefs that can be given in terms of the decree.

3. The decree has now become final. The appellant and the respondents 5 to 7 are agreeable that the decree can be given effect to.

4. The learned Standing Counsel appearing for the Bank submitted that apportionment will have to be made, as per the decree, which is obviously applicable to the terminal benefits.

5. In such view of the matter, the respondents 1 to 4 are directed to grant the benefits payable to the deceased employee in the same proportion, as ordered by the Civil Court, within a period of twelve weeks from the date of receipt of a copy of this judgment.

6. We make it clear that insofar pension payable is concerned, it is strictly covered by the rules and regulations. It is not in dispute that the appellant alone is entitled to the pension and accordingly, it will have to be given to the appellant alone.

7. In fine, this writ appeal stands disposed of. No costs.

Sd/-

Assistant Registrar (CSIII)

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/ /2021

Sub Assistant Registrar(CS)



+1 CC to M/s.C.VAKEESWARAN, Advocate (SR-10645[F] dated
12/03/2021)

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-10726[F] dated
12/03/2021)

W.A. (MD) No.196 of 2021
11.03.2021

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