



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD) No.6853 of 2021

K.Narayanan

... Petitioner

Vs.

- 1.The Director,
Ministry of Personnel,
Public Grievances and Pension,
Department of Pension and Pensioner' Welfare,
Lok Nayak Bhavan, New Delhi.
- 2.The Ministry of Finance,
Banking Division,
Government of India,
New Delhi.
- 3.The General Manager,
Canara Bank Employees Pension Fund,
Naveen Complex, Head Office Annex,
14, M.G.Road, Bangalore.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 08.03.2021 and for other reliefs.

For Petitioner : Mr.Murugan.R

For Respondents : Mr.N.Karthikeya Venkatachalapathy,
Central Govt. Standing Counsel for R1 & R2
Mr.N.Dilip Kumar for R3.

ORDER

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

2.The case of the petitioner is that the petitioner joined in Canara Bank in the year 1993 and retired from service on 31.05.2006. While so, the Union of India issued guidelines for implementing the fifth pay commission by granting full pension to the government servants who had 33 years of service or who had completed 20



years/10 years of qualifying service. Since the petitioner completed 23 years of service, the petitioner made a representation dated 08.03.2021, to avail the said benefit. Since same is not considered till date, the present writ petition has been filed.

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3.The learned counsel for the petitioner would submit that this Court may issue direction to the respondents to consider the petitioner's representation.

4.The learned standing counsel appearing for the third respondent would submit that the petitioner's earlier representation dated 23.02.2015 was rejected on 02.03.2015 stating that the Central Government Notification will not be applicable to the bank employees. The petitioner is governed by the Employees' Provident Fund is a Trust and Managed as per Canara Bank (Employees') Pension Regulation, 1995. The petitioner without challenging the said order, filed the present writ petition. Hence, he prays for dismissal of the writ petition.

5.As rightly pointed out by the learned standing counsel for the third respondent, the petitioner has to question the order passed by the third respondent on 02.03.2015 and nothing survives for further adjudication in this writ petition. Therefore, the writ petition stands dismissed. However, liberty is given to the petitioner to challenge the order dated 05.03.2015, passed by the third respondent in the manner known to law. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-13669[F]
dated 25/03/2021

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