



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P.(MD) No.15823 of 2021

WEB COPY

V.Mahendran

... Petitioner

vs.

1.The Indian Overseas Bank,
Central Office, rep. by its General Manager,
P.B.No.3765, 763, Annasalai,
Chennai-600 002.

2.The Chief Manager/Disciplinary Authority,
Industrial Relationship Department,
Indian Overseas Bank,
Central Office,
Chennai-600 002.

3.The Indian Overseas Bank,
Personnel Administration Department, Clerical Section,
Regional Office, Karups Tower, Medical College Road,
Thanjavur.

4.The Branch Manager,
Indian Overseas Bank,
Rajagiri Branch,
Thirumangalagudi,
Thanjavur District.

5.The Branch Manager,
Indian Overseas Bank,
Naranamangalam Branch,
Thanjavur District.

6.The Branch Manager,
Indian Overseas Bank,
Lead Bank, Regional Office,
Thanjavur.

7.The Branch Manager,
Indian Overseas Bank,
Perambalur Branch,
Thanjavur Region,
Perambalur District.

... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pay the full subsistence allowance to the petitioner



by considering the petitioner's representations dated 05.09.2020 and 25.03.2021 within a stipulated time as fixed by this Court, in accordance with law.

For Petitioner : Mr.C.Senthil Murugan
For Respondents : Mr.N.Dilip Kumar,
Standing counsel

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondents to pay the subsistence allowance to the petitioner by considering the petitioner's representations dated 05.09.2020 and 25.03.2021 within a stipulated time as fixed by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

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

4. According to the petitioner, he was appointed as Sub Staff in respondents/bank. On earlier occasion, since he produced a false certificate, though he was terminated from service, but, at the instance of this Court, he was reinstated. However, by order dated 31.08.2019, the petitioner was placed under suspension and was being paid 1/3rd pay towards subsistence allowance. The grievance of the petitioner is that since enquiry was not completed by the respondents, he is entitled to be paid 50% of the pay towards subsistence allowance and after 6 months, he is entitled to full pay and allowances, but he has not been paid so. Hence, the petitioner made a representation on 05.09.2020 and also sent a reminder on 25.03.2021. Since no action is forthcoming, the petitioner has come forward with the present Writ Petition.

5. The learned counsel for the petitioner would submit that as per Clause 5 of Settlement dated 08.09.1983 in Bipartite Settlement dated 10.04.2002, the delinquent employee is entitled to receive 1/3rd of the pay for first 3 months and thereafter upto 6 months, 50% of the pay and thereafter, full pay towards subsistence allowance. He would submit that enquiry proceedings have not been completed till date, hence, the respondents/bank is liable to pay full pay towards subsistence allowance to the petitioner.

6. The learned counsel appearing for the respondents/bank would submit that the appropriate authority to consider the claim of the petitioner is 2nd respondent and if the representation of the



petitioner is in order, the same would be considered by the 2nd respondent and pass appropriate orders.

7. In view of the submissions made by the learned counsel for the parties, without expressing any view, this Court directs the 2nd respondent to consider the representation dated 05.09.2020 and pass appropriate orders therein in accordance with law and on merits, within a period of 12 weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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.

To

1.The General Manager,
Indian Overseas Bank,
Central Office,
P.B.No.3765, 763, Annasalai,
Chennai-600 002.

2.The Chief Manager/Disciplinary Authority,
Industrial Relationship Department,
Indian Over Seas Bank,
Central Office,
Chennai-600 002.

W.P.(MD) No.15823 of 2021
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RD(28.09.2021) 3P 3C