



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.02.2021**

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.11796 of 2016

G.Jeyakumar Srinivasagam

... Petitioner

Vs.

1.Indian Bank
Rep by its Chairman
Chennai.

2.The General Manager,
HRM Department,
Indian Bank,
Head Office, No.66, Rajaji Salai,
Chennai-600 001.

3.Branch Manager,
Tirunelveli Junction Branch,
Tirunelveli.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to include the name of the petitioner in the pension scheme of the respondent Bank and grant consequent pensionary benefits and monthly pension to the petitioner in consideration of the petitioner representations dated 02.03.2016.

For Petitioner : Mr.G.Prabhu Rajadurai
For Respondents : Mr.S.balasubramanian
(Vakalat not filed)

O R D E R

This writ petition is filed by the petitioner to direct the first respondent to include the name of the petitioner in the pension scheme of the respondent Bank and to grant consequent pensionary benefits and monthly pension to the petitioner in consideration of the petitioner's representations, dated 02.03.2016.

2.The case of the petitioner is that he was appointed as Clerk/Shroff in the respondent Bank in the year 1973 and thereafter, he was worked in various positions in various Branch. After



completion of 34 years of service, the petitioner has decided to resign his job due to his diabetic condition and submitted his letter on 09.02.2007 and the same was accepted on 12.03.2007. Subsequently, a memorandum of settlement was arrived at between the Management of the Banks and the Unions, under the provision of the Industrial Disputes Act, 1947. By virtue of the settlement, the Management agreed for being brought under the pension scheme even for those employees, who earlier opted out of the pension scheme with certain conditions. Accordingly, an employee, who ceases to be in service on or after 26.09.1995, but after serving 15 years of minimum period shall be eligible to exercise an option to join the pension scheme. After coming to know about such settlement, the petitioner has submitted his offer letter and the same was not considered by the respondent/Bank stating that he would not fall within the scheme. Thereafter, the petitioner has made a representations, dated 02.03.2016 to the respondents. Till date, no order has been passed on the petitioner's representation. Hence, the present writ petition is filed.

3.The learned counsel appearing for the petitioner submitted that it would suffice if the petitioner's representation, dated 02.03.2016 is directed to be considered by the authority concerned.

4.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

5.The facts in the present case is not in dispute. Initially, the petitioner has made a representation to the respondents and the same was rejected on 29.09.2010 stating that the petitioner has not fall within the pension scheme. Without challenging the said order, again making representation and filing the present writ petition is not maintainable. Hence, the prayer sought for in the writ petition cannot be granted. Accordingly, this Writ Petition is dismissed. No costs. However, liberty is granted to the petitioner to work out his remedy in the manner known to law.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar

+1CC to M/s.G.PRABHU RAJADURAI, Advocate(SR-7945[F] dated 01/03/2021)

W.P. (MD) No.11796 of 2016
25.02.2021

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