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W.P.No. 77 of 2018



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 77 of 2018

Sunit Kumar Agarwal

... Petitioner

Vs.

1. The Secretary(FS)

Department of Financial Services,
Ministry of Finance, Government of India,
3rd Floor, Jeevan Deep Building, Sansad Marg,
New Delhi- 110 001.

2. The Registrar/Secretary,

Debts Recovery Tribunal,
Ministry of Finance, Government of India,
9/2, Panna Lal Road,
Allahabad -211 002.

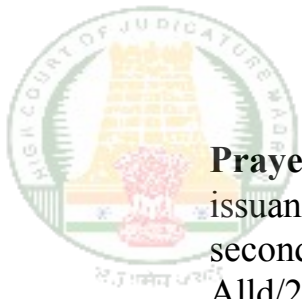
3. The Assistant General Manager – HRDD

Human Resources Development Division,
Punjab National Bank
Corporate Office:Plot No. 4, Sector 10.
Dwarka, New Delhi – 110 075.

4. The Deputy Circle Head

Punjab National Bank, Circle Office
PNB Tower, 2nd and 3rd Floor, 46-49,
Royapettah High Road,
Royapettah, Chennai – 600 014.

... Respondents



Prayer: Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent pertaining to the proceedings under Ref.PF No. 43/DRT-Alld/2000/Admn dated 07.10.2017, quash the same and direct the respondents, jointly or individually, to pay to the petitioner the dues towards Rs.1,17,865.30 along with bank rate of interest and to compensate for mental agony, harassment and sufferings etc. and the cost of the writ to the petitioner.

For Petitioner	: Mr. Sunit Kumar Agarwal party in person
For Respondents	: Mrs. ME. Sarashwathy Special Panel Counsel for R1 R2- Tribunal Mr. R. JayePrakash for R3 and R4

ORDER

The order of rejection, dated 17.10.2019, rejecting the claim of the writ petitioner to pay allowance, for which the petitioner is entitled, is under challenge in the present writ petition.

2. The petitioner was holding the post of Chief Manager of the Punjab National Bank, which is a nationalised bank. The petitioner was deputed and posted as Recovery Officer in the Debt Recovery Tribunal, Allahabad in April, 2012. It is not in dispute that the petitioner is eligible for salary and perks. As per his then post, Senior Manager Law, Punjab National Bank, the



grievance of the writ petitioner is that for a particular period alone, he was denied payment of allowances under 4 heads without any valid reason. The service records of the petitioner are not disputed and the integrity of the petitioner in his capacity as an officer is not disputed by the respondents. All along he was allowed to claim the allowance under various heads including a) Fixed literage of petrol, b) the news paper reimbursement, the telephone/mobile expenses reimbursement and the sumptuary expenses. But the petitioner in person contended that the four heads were paid to him continuously till March, 2012 and from April 2012, to June 2013, the said allowances were denied to him, despite the fact that, he had submitted all the relevant bills before the Debt Recovery Tribunal during the relevant point of time. In support of the said contention, the petitioner in person relied on his request letters submitted before the Debt Recovery Tribunal, Allahabad, claiming the reimbursement of the expenditures met out by him.

3. However, the learned counsel appearing on behalf of the Punjab National Bank objected the contentions by stating that those bills were not received by the Punjab National Bank, that is the reason why the bank could not be able to disburse the said allowances during the relevant point of time. It is further contended that newspaper allowance had also been reimbursed



and sumptuary allowance partly reimbursed for the year 2013.

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4. This Court is of the considered opinion that the writ petitioner was receiving the said four allowances all along for many years and the said benefits were not denied to him as it was considered as part of his emoluments and therefore, he is entitled for the allowances as per the service conditions, attached to the post, in which he was working at Punjab National Bank. However, during his deputation, as Recovery Officer in Debt Recovery Tribunal, Allahabad, the Punjab National Bank had not received the relevant bills enabling them to reimburse the allowances to the petitioner but the petitioner could not able to furnish the details regarding the request letters submitted before the Debt Recovery Tribunal, Allahabad. Thus, there is a probability of communication error between the Debt Recovery Tribunal, Allahabad and the parent employer of the employee, i.e., Punjab National Bank. Because of such errors or mistakes, the petitioner is made to suffer. Therefore, the entitlement for allowances is to be granted as per the Rules by the Punjab National Bank as they have settled the benefits prior to April 2012 and after June 2013, and for the in between period alone, the benefits cannot be denied.

5. The petitioner served about 31 years with unblemished record and



there is no allegation or otherwise against him throughout his services.

Further, there is no allegation of any false claim or otherwise against the petitioner on previous occasions. That being the factum established, the petitioner is entitled for the relief. The order impugned passed by the second respondent in Ref.PF.No.43/DRT-Alld/2000/Admn dated 07.10.2017, is quashed. Consequently, the respondents 3 and 4 are directed to calculate the admissible benefits under the four heads as stated by the writ petitioner and settle the same along with interest at the rate of 6 percent per annum within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is allowed. No costs.

13.10.2022

mrn

Index : Yes / No

Speaking order / Non-Speaking order



To

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