



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

WRIT PETITION NO.32945 OF 2015

Y.Lakshminarayanan

...Petitioner

Vs

The Assistant General Manager,
State Bank of India,
PPG Department,
16, College Road,
Nungambakkam, Chennai-600 006

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to dispose of the representation dated 14.07.2014 waive submission of disability certificate once in 3 years and pay the compensation.

For Petitioner : Mr.Y.Lakshminarayanan
Party-in-person

For Respondent : K.Sankaran

O R D E R

The petitioner is a retired State Bank employee drawing pension. As per the Pension Scheme of State Bank of India, after his life time, his wife will be entitled to the family pension and after her lifetime, their disabled daughter is entitled to disability pension. Since the respondent bank has not recorded the disability in the Pension Book, the petitioner has approached the bank. It is submitted that the Bank has later noted the name of his differently abled daughter. However, in between the petitioner was forced to get second disability certificate from the State Commissioner and therefore, the petitioner seeks compensation for the hardship caused to him.

2. The learned counsel appearing for the bank would submit that the bank is paying pension to the petitioner promptly. The payment of Family pension and payment of disability pension will be paid after the lifetime of the petitioner. It is too premature to agitate this issue on apprehension. The statement



made by the bank by way of counter affidavit sworn by Assistant General Manager, Provident Fund, Pension, Gratuity (PPG) of the Local Head Office, that his daughter Ms.Y.Bhuvaneswari's name has been registered as beneficiary for family pension and a copy of nomination has been registered with Chief Accounts Officer, Kolkata, which was furnished to the petitioner. Further, it is stated that the scheme framed by the bank stipulates submission of the disability certificate of the dependent to claim disability family pension, once in three years. The said stipulation is an integral part of this scheme and cannot be divorced from payment of the disability family pension.

3. I find that the disability of the petitioner's daughter was assessed by a duly constituted Medical Board of the bank. Once a person is disabled, particularly mental retardness, it is obvious that it cannot be cured. She will continue to be in the same status. The bank cannot expect after the lifetime of the petitioner, a mentally retarded person to produce disability certificate once in every three years. The petitioner being the guardian has made all arrangements and submitted all the certificates to the competent authorities. In such circumstances, a direction is given to the bank not to insist on submission of disability certificate once in every three years as it will cause severe mental agony, peacelessness and hardship to the petitioner as well as his daughter after petitioner's lifetime.

4. Mental retardation is a permanent ailment and one cannot expect a mentally retarded person to produce disability certificate promptly once in every three years. If at all, the bank wants to ensure that the disabled person is not cured, they can approach the mentally retarded daughter of the petitioner and conduct medical examination once in three years. On the other hand, the bank cannot insist on the conditions of the scheme to produce disability certificate once in every three years as it is not mandatory but it is directory. As such the bank is directed to make the family pension and disability pension as undertaken by them in their counter affidavit filed before this Court.

Recording the same, this writ petition is disposed of. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

sha/kpr



To

The Assistant General Manager,
State Bank of India,
PPG Department, 16, College Road,
Nungambakkam, Chennai-600 006

+1cc to Mr.K.Sankaran, Advocate Sr.No.22062

+1cc to Mr.Y.Lakshminarayanan, Advocate Sr.No.22007

W.P.No.32945 of 2015

MT(CO)
RVM(05/05/2022)