



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.05.2022

CORAM :

THE HON'BLE MR. JUSTICE R. MAHADEVAN

W.P.No.12036 of 2022

and

W.M.P.No.11460 of 2022

M.Baskaran

..Petitioner

Vs

1. The Reserve Bank of India,
Fort Glacis, 16, Rajaji Road,
Fort St. George,
Chennai - 600 001.
2. The Managing Director,
The Lakshmi Vilas Bank Ltd.,
(Now as a part of DBS Bank India Ltd.)
HRD Department, Corporate Office,
Guindy, Chennai.
3. The Human Resource Department,
DBS Bank India Ltd.,
LVB House, No.4/1, Sardar Patel Road, Guindy,
Chennai - 600 032.

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the Respondents to allow the Petitioner to Voluntarily Retire with pension from service with all service and monetary benefits as per Regulation 29(1) of the Lakshmi Vilas Bank Limited (Employees) Pension Regulations, 1995 forthwith as sought by application dated 29.01.2022.

For Petitioner : Mr.D.Senthur Kugan

ORDER

Seeking to issue a writ of mandamus directing the respondents to allow the petitioner to voluntarily retire from



service with pension and other service and monetary benefits as per Regulation 29(1) of the Lakshmi Vilas Bank Limited (Employees) Pension Regulations, 1995 (in short, "the Regulations, 1995") as sought by his application dated 29.01.2022, the present writ petition came to be filed.

2.The petitioner is now working as Deputy Manager in the Lakshmi Vilas Bank, which has been amalgamated with DBS Bank India Limited, as on November 2020. According to the petitioner, during his service, he was subjected to disciplinary proceedings on two occasions, however, as on date, there are no complaints or charges pending against him. While he was working in Ayothiyapattinam Branch, Salem, he has got chest pain on 20.10.2021. Thereafter, he has been taking treatment for various ailments, such as hypertension, diabetes mellitus, chronic MI, etc. and the doctor advised him to avoid heavy physical work and stress. In view of the same, on medical grounds, the petitioner made application seeking voluntary retirement from service with pension and other service and attendant benefits, by letter dated 29.01.2022 to the Managing Director of the Lakshmi Vilas Bank Ltd, to which, he received a reply through mail dated 21.02.2022 to his branch office from the third respondent that his application was not considered by the competent authority and he was directed to join duty. Aggrieved over the same, the petitioner is before this court with this writ petition.

3.The learned counsel for the petitioner submitted that non-consideration of the petitioner's application without a speaking order by the competent authority is per se illegal and arbitrary, besides sans statutory value. However, the learned counsel submitted that it would suffice, if a direction is issued to the second respondent to consider the petitioner's application dated 29.01.2022 and pass orders, in accordance with Regulation 29(1) of the Regulations, 1995.

4.Taking note of the physical conditions of the petitioner and having regard to the limited relief now sought by his learned counsel, this court, without expressing any opinion on the merits of the case, directs the second respondent to consider the petitioner's application dated 29.01.2022 and pass orders, on merits and in accordance with law, after affording an opportunity of personal hearing to him. Such an exercise shall be completed within a period of two (2) weeks from the date of receipt of a copy of this order and communicate the decision to the petitioner, forthwith.



5. With the above direction, the writ petition is disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

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Sd/-
Assistant Registrar (Vacation Officer)

//True Copy//

Sub Assistant Registrar

hvk/dm

To

1. The Reserve Bank of India,
Fort Glacis, 16, Rajaji Road,
Fort St. George,
Chennai - 600 001.
2. The Managing Director,
The Lakshmi Vilas Bank Ltd.,
(Now as a part of DBS Bank India Ltd.)
HRD Department, Corporate Office,
Guindy, Chennai.
3. The Human Resource Department,
DBS Bank India Ltd.,
LVB House, No.4/1, Sardar Patel Road, Guindy,
Chennai - 600 032.

+1cc to M/s.D.Senthur Kugan, Advocate, S.R.No.31160

W.P.No.12036 of 2022

BP (CO)
SU (19/05/2022)