



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 18681 of 2018

V. Srinivasan

... Petitioner

-vs-

1. The Indian Bank,
Rep. by its Managing Director and Chief Executive Officer,
No. 254 to 260, Avvai Shanmugam Salai,
Royapettah,
Chennai - 600 014.
2. The Executive Director,
Indian Bank,
No. 254 to 260, Avvai Shanmugam Salai,
Royapettah,
Chennai - 600 014.

... Respondents

Prayer:-

Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus directing the Respondents to consider the Petitioners representation dated 18.06.2018 to settle the Gratuity, Provident Fund, Leave Salary and other dues to him on its merits and in accordance with law within the time frame stipulated by this Hon'ble Court.

For Petitioner : Mr. Balan Haridas

For Respondents: Mrs. Rita Chandrasekar for
M/s. Aiyar and Dolia

O R D E R

Heard Mr. Balan Haridass, Learned Counsel for the Petitioner and Mrs. Rita Chandrasekar, Learned Counsel for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.



2. The Petitioner had been removed from service by the proceedings dated 20.11.1999 of the Second Respondent, which has been confirmed in appeal by order dated 18.02.2000 of the First Respondent. Subsequently, the representation dated 18.06.2018 had been made by the Petitioner for payment of his gratuity, provident fund, leave wages and other dues, but as no action was taken thereon, this Writ Petition has been filed.

3. Learned Counsel for the Petitioner states that insofar as the claim for gratuity is concerned, the Petitioner would pursue the remedies available under the Payment of Gratuity Act, 1972, and would confine the claim for payment of provident fund and earned leave as sought in this Writ Petition. He has made an endorsement to that effect in the court record.

4. Having regard to the restricted extent of relief sought, this Court without expressing any view on the correctness or entitlement of the claim made by the Petitioner, disposes the Writ Petition on the following terms:-

- (i) it shall be incumbent upon the Respondents to immediately examine the representation dated 18.06.2018 made by the Petitioner insofar as it relates to provident fund and earned leave;
- (ii) if it is found that any details or supporting documents satisfying the eligibility criteria for the benefits claimed had not been produced, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 clear working days in that regard;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner to explain his position in that regard and a reasoned orders shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment;
- (iv) if the Petitioner is found entitled to the claim made, the eligible amount of monetary benefits shall be paid within a period of 30 days from the date of passing of that order;



(v) the report of completion of the aforesaid exercise shall be filed by 30.09.2022 before the Registrar (Judicial) of this Court; and

(vi) there shall be no order as to costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

skr

To

1. The Indian Bank,
Rep. by its Managing Director and Chief Executive Officer,
No. 254 to 260, Avvai Shanmugam Salai,
Royapettah,
Chennai - 600 014.
2. The Executive Director,
Indian Bank,
No. 254 to 260, Avvai Shanmugam Salai,
Royapettah,
Chennai - 600 014.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai - 600 104.

+1cc to Mr. Balan Haridas, Advocate, S.R.No.26875
+1cc to M/s. Aiyar and Dolia, Advocate, S.R.No.26837

W.P. No. 18681 of 2018

GMR(CO)
CT-09/05/2022