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W.P.No.19169 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.09.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.19169 of 2020

Mrs.N.Samundeeswari

..Petitioner

Vs.

1. Chief Manager, Indian Bank,
Corporate Officer,
HRN Department,
No.254-260,
Avvai Shanmuga Salai, Royapettah,
Chennai – 600 104.

2. Branch Manager,
Indian Bank,
Kolathur Branch, Kolathur,
Chennai – 600 099.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for Writ of Mandamus, directing the respondent to consider and pass orders on the petitioner's representation dated 11.3.2020 with regard to release, grant of full pension with effect from 01.03.2015 to 06.07.2019 and arrears of pension and death cum gratuity (DCRG) within a stipulated time.



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For Petitioner : Mr.A.K.Manoj Kumaar
For Respondents : Mrs. S.R.Sumathi

ORDER

The prayer sought for herein is for a writ of mandamus to direct the respondents to consider and pass orders on the petitioner's representation dated 11.3.2020 with regard to release, grant of full pension with effect from 01.03.2015 to 06.07.2019 and arrears of pension and death cum gratuity (DCRG) within a stipulated time.

2. The petitioner's husband one Nandakumar employed as a Manager in the respondent bank. While he was working in Kolathur Branch, there was a disciplinary proceedings initiated against him and based on the disciplinary proceeding, the petitioner's husband inflicted with the punishment of compulsory retirement.

3. Thereafter, the pension has been sanctioned in pension payment order in I.D.No.209650 with effect from 01.03.2015 to the petitioner's



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husband, however the gratuity was not paid.

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4. Thereafter, pertaining to the said disciplinary action, already a criminal case seems to have been filed against the petitioner's husband, where summons were issued by the Court concerned in C.C.No.10 of 2016 on the file of the XI Additional Sessions Judge CBI Court, Collectorate Building Chennai -1. However, during the pendency of the criminal case, on 06.07.2019, the petitioner's husband was died, therefore, the said CC has become abated.

5. In the meanwhile, because of the pendency of the criminal case, the pension hitherto received by the petitioner was stopped by the respondent bank and thereafter, the petitioner's husband also died and the CC has become abated. Therefore, the petitioner being the widow of the deceased employee wants to get the pensionary benefits/family pensionary benefits and in this regard, she has given a representation to the respondent's bank on 11.03.2020 and since the said representation has not been considered, the petitioner has moved this writ petition.

6. The request of the petitioner in this regard as per the learned



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counsel appearing for the petitioner is that, the arrears of pension with effect from 01.03.2015 to 06.11.2019 and to give the full pension to the petitioner as well as the death-cum gratuity with simple interest at the rate of 6% per annum to be calculated and be paid to the petitioner, therefore, if that grievance as has been espoused in the said representation on 11.03.2020 is directed to be considered and an order to that effect is passed by the respondents' bank within a time frame that may be stipulated by this Court, the petitioner would be satisfied, contended by the learned counsel appearing for the petitioner.

7. Heard Mrs.S.R.Sumathi, learned Standing Counsel appearing for the respondents, who relied on the counter affidavit would submit that as per the extant Rule governing the service conditions of the bank employees including the petitioner's husband, the petitioner's husband was paid the pension, since he was compulsory retired based on the disciplinary proceedings and subsequently in view of the pendency of the criminal case, the pension was not paid and in the meanwhile since the petitioner's husband died on 06.07.2019 and the calendar case, which was pending against him sofar, was abated, hence, the representation



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submitted in this regard on 11.03.2020 should be considered as to whether the petitioner being the wife of the deceased employee is entitled to get any benefits as sought for by her in the said representation as per the relevant rule and accordingly it may be disposed of.

8. Considering the limited scope of the prayer sought for in this writ petition as submitted by learned counsel appearing for both sides and having regard to the aforesaid facts and circumstances, this Court feels that, a direction can be given to the respondents Bank to consider the representation of the petitioner dated 11.03.2020 and to decide the same on merits and in accordance with law within a time frame.

9. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

- ◆ That there shall be a direction to the respondents to consider the representation of the petitioner dated 11.03.2020 and pass orders thereon on merits and in accordance with law within a period of eight(8) weeks from the date of receipt of a copy of this order and communicate the same to the petitioner within the said time.



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R.SURESH KUMAR.J,

mp

With this direction, this writ petition is disposed of accordingly.

No costs.

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Index : Yes/No

Internet: Yes/No

mp

To

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Corporate Officer,
HRN Department,
No.254-260,
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