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W.P.No.34934 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2022

CORAM :

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

W.P.No.34934 of 2019

K.Jayabharathi

... Petitioner

Vs.

1.The Managing Director,
Bank of Baroda (erstwhile Vijaya Bank)
Baroda Corporate Centre,
Bhandra Kurla Complex,
Mumbai – 400 051.

2.The General Manager,
HR Operations,
Bank of Baroda (erstwhile Vijaya Bank)
Head Office,
“Baroda Bhawan” R.C.Mutt Road,
Alkapuri, Baroda, Gujarat,
PIN 390 007.

3.The Chief Manager (HR),
Bank of Baroda (erstwhile Vijaya Bank)
No.41 (101) Baroda Pride,
Luz Church Road,
Chennai – 600 004.

4.The Senior Branch Manager,
Vijaya Bank,
Varadarajapuram Branch,
Coimbatore – 641 015.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to make payment of pension arrears to the petitioner corresponding to the wage revisions of 1997, 2002, 2007, 2012 and 2017 effected to the serving staff and to issue the respondents to re-fix her basic pension as per petitioner eligibility at 50% of the average emoluments inclusive of all fixed allowances, and the respondents to make payment of “Special Balancing allowance” given to the serving staff including retirees, on account of the wage revision with effect from 01.11.2007 and to provide medicare facility to the petitioner at par with that of the serving staff as described above and the respondents to refund the sum of Rs.33,928/- already collected from the petitioner towards insurance premium, with 10% interest for all delayed payment, together with cost.

For Petitioner : Mr.R.Sachithanandam
for M/s.T.Subramanian

For Respondents : Mr.Anand Gopalan
for M/s.T.S.Gopalan & Co.

ORDER

The prayer sought for in the writ petition is a writ of mandamus, directing the respondents to make payment of pension arrears to the



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petitioner, corresponding to the wage revisions of the years 1997, 2002, 2007, 2012 and 2017, effected to the serving staff, and also directing the respondents to re-fix her basic pension as per petitioner's eligibility at 50% of the average emoluments, inclusive of all fixed allowances, and also directing the respondents to make payment of "Special Balancing allowance" given to the serving staff, including retirees, on account of the wage revision with effect from 01.11.2007, and to provide medicare facility to the petitioner at par with that of the serving staff, as described above, and also directing the respondents to refund the sum of Rs.33,928/-, already collected from the petitioner towards insurance premium, with 10% interest for all delayed payment.

2.The petitioner was working as a Clerk at the erstwhile Vijaya Bank, which was subsequently merged with the present respondents, namely, Bank of Baroda. In the erstwhile Vijaya Bank, the petitioner had served for 21 years and 5 months, and on attaining the age of superannuation, she retired from service on 10.04.1997.



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3.In this regard, it is the grievance of the petitioner that, after her retirement, there were five wage revisions, which had taken place from 1997 onwards, and based on those wage revisions, the pensionary benefits of the petitioner have not been properly considered and granted, and therefore, in order to consider the same, the petitioner has given a written representation on 08.08.2019, to the General Manager (Personnel), erstwhile Vijaya Bank, which was subsequently merged with the respondents/Bank of Baroda, and since the said representation has not been considered and no orders have been passed, she seems to have given a legal notice on 24.09.2019 and despite that, since no orders have been passed, the petitioner has approached this Court by filing the present writ petition with the aforesaid prayer.

4.Heard Mr.R.Sachithanandam, learned counsel appearing for the petitioner, and Mr.Anand Gopalan, learned counsel appearing for the respondents/Bank.

5.The learned counsel appearing for the petitioner submitted that, if a direction is given to consider the said representation, dated 08.08.2019, and the subsequent legal notice, dated 24.09.2019, submitted in this regard, by



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the respondent Bank, on merits and in accordance with law, and an order to that effect is passed within a time frame that may be fixed by this Court, the petitioner would be satisfied. The learned counsel appearing for the respondents, even though wanted some time to file counter affidavit, as the petitioner sought for the revision of pension and payment of revised pension with arrears, which cannot be granted and no such direction can be granted, this Court feels that, in view of the innocuous nature of the prayer now sought for, as has been confined by the learned counsel appearing for the petitioner, to seek by way of mandamus to consider the representation of the petitioner, dated 08.08.2019, this Court is inclined to dispose of the writ petition, with a direction to the respondents to consider the representation of the petitioner, dated 08.08.2019, and pass orders thereon, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. With this direction, the writ petition is disposed of. No costs.

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Internet :Yes

Index : Yes / No

Speaking order / Nonspeaking order

To

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R. SURESH KUMAR, J.

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