



W.P.(MD)No.8510 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.8510 of 2020

S.Vijayalakshmi

... Petitioner

Vs.

1.The Deputy General Manager,
State Bank of India-Administrative Office,
Dr.Ambedkar Road,
Madurai – 625 020

2. The Assistant General Manager-Region-1,
State bank of India-Administrative Office,
Dr.Ambedkar Road,
Madurai 625 020

3. The Chief Manager,
State Bank of India,
Melur, Madurai District.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to disburse the pensionary/terminal benefits due for the service rendered by the petitioner's deceased husband to the petitioner along with interest at 18% for the delay in payment of the pensionary/terminal benefits from 2006 to till date, within a time limit to be fixed by this Court.



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For Petitioner : Mr.B.karunanithi
For R3 : Mr.V.P.Rajan
For R1 & R2 : No appearance

ORDER

This writ petition has been filed for issuance of Writ of Mandamus directing the respondents to disburse the pensionary/terminal benefits due for the service rendered by the petitioner's deceased husband to the petitioner along with interest at 18% for the delay in payment of the pensionary/terminal benefits from 2006 to till date, within a time limit to be fixed by this Court.

2. The respondents have filed a counter affidavit stating that during the pendency of the Writ Petition, a portion of the terminal benefits have been disbursed in favour of the petitioner.

3. Paragraph Nos.5 to 7 of the counter affidavit are extracted hereunder:

5. I submit that the bank declared that the petitioner's husband voluntary cessation of employment with effect from



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02.01.2012 in compliance of bank service rules. It is pertinent to point that the petitioner's husband availed number of loans. Since he absented from service, loan accounts were declared as NPA. The third respondent submitted request to the Trustee, SBI Employees provident fund, Mumbai for refunding provident fund amount on behalf of V.Subburam in order to adjust with loan account. The Trust refunded a sum of Rs.2,46,963/- by an order dated 27.05.2014.

6. I submit that the provident fund amount was adjusted with loan accounts of the petitioners husband as follows:

Account No	Facility	Outstanding	Notional Interest upto 02.01.2012 (Date of PF settlement/ Cessation)	Notional interest upto 28.06.2014
10662784420	OD Personal Loan Staff	149692.00	58534.00	106990.00
10663010523	TL Vehicle-Scoom TW Loan	41363.00	33038.00	66164.00
1063011094	DL Consumer Loan	0.00	8524.00	9189.00
Total		191055.00	100096.00	182343.00

1. Total Outstanding in his Account : Rs.191955.00



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2. Add: Notional Interest	: Rs.100096.00
3.Total to be paid by the employee	Rs.292051.00
4.Less: Amount Settled by the employee	Rs.246963.00
5.Notional Interest waived	Rs. 45088.00

7.I submit that it is to be noted that his loan liability was more than the provident fund received from the competent authority; hence interest was waived on principal. Further 3rd respondent received a sum of Rs.81,654 as gratuity of petitioner's husband on 10.11.2016. As petitioner's husband rendered less than twenty years of service, not entitled pension as per rule in force, the first respondent communicated the same by a letter dated 08.11.2016 to the petitioner. Irrespective of this communication, she has claimed pension in this writ petition. Calculation memo of the period of service rendered by the petitioner's husband enclosed in the typed set and the same may be part and parcel of the counter affidavit. The petitioner is only entitled the gratuity amount a sum of Rs.81,654 of the petitioner's husband.

4. In view of the counter affidavit, it is clear that terminal benefits was disbursed in favour of the petitioner. Therefore, no further order is



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necessary in this Writ Petition. If the petitioner has grievance that only meagre amount was paid and the balance amount was not paid, he is at liberty to work out his remedy in the manner known to law.

5. In fine, this Writ Petition is dismissed. No costs.

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Index : Yes/No
Internet : Yes/No
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M.DHANDAPANI, J.

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