



WEB COPY

W.P.(MD)No.20715 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 02.02.2022

DELIVERED ON : 24.02.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.20715 of 2015

M.M.Thangavel

... Petitioner

vs

1. Union of India,
represented by Secretary to Government
Minister of Finance,
Department of Financial Services,
Banking Division, Jeevan Deep Building,
Parliament Street,
New Delhi - 110 001.
2. Indian Bank Association,
represented by its Chairman,
World Trade Centre Complex,
Centre-1, 6th Floor, Cuffee Parade,
Mumbai - 400 005.
- 3.The Chief Executive Officer/ Managing Director,
The Lakshmi Vilas Bank Ltd.,
HRD Department,
Administrative Office,
Kathaparai, Karur - 639 006.
4. The Assistant General Manager,
Lakshmi Vilas Bank Ltd.,
HRD Department,
Administrative Office,
Karur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order bearing No.LVB/102-09.05/200/2014-15, dated 09.09.2014 passed by the fourth respondent and quash the same and consequently, direct the third and fourth respondents to grant pensionary benefits to the petitioner from the

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date of his retirement, dated 01.06.2013 by permitting the petitioner in the Pension Scheme of the third respondent Bank.

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For Petitioner : Mr.M.Gnanagurunathan

For Respondents : Mr.S.Jeyasingh for R1

Mr.Anand Gopalan for R3 & R4
for Mr.T.S.Gopalan & Co

No appearance for R2

O R D E R

This Writ Petition is filed to quash the impugned order, dated 09.09.2014 and consequently, direct the third and fourth respondent to grant pensionary benefits to the petitioner from the date of his retirement, dated 01.06.2013 by permitting the petitioner in the Pension Scheme of the third respondent.

2. The petitioner is working in third and fourth respondents Bank, namely, the Lakshmi Vilas Bank Ltd. The preliminary adjudication was raised by the respondents stating that the Lakshmi Vilas Bank is a private Bank and it is not amenable to Writ Jurisdiction. However, the petitioner contended that the issue was considered by this Court and the learned Single Judge has held that it is amenable to Writ jurisdiction. But, the respondents have contended that an appeal was preferred against the order by the learned Single Judge and in the appeal, the order was reverted and it was held that Private Banks are not amenable to Writ jurisdiction. The respondents relied on W.A.No.2245 of 2002 filed in ICICI Bank Limited Rep. by its Sr. Vice President-HR VS Lakshminarayanan and the relevant portion is extracted hereunder:

17. In the present case also, as the appellant-Bank of Madura Ltd., is a private Company, carrying on private banking business and not carrying on any statutory or public duty, no "Writ Petition" under Article 226 of the Constitution of India is maintainable against the appellant-Bank of Madura Ltd. Merely because the Bank has made provisions to grant "pension" on VRS, under the relevant Pension Scheme, the same cannot be a ground to hold that the Bank is performing a public duty or public function. Hence, the first question is answered in the negative against the respondent-Writ Petitioner and in favour of the appellant-Bank of Madura Ltd. (now ICICI Bank Ltd.)

Therefore, liberty is granted to the petitioner to raise this issue before appropriate forum.



3. With this direction, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

jbr

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

- 1.The Secretary to Government,
Union of India,
Minister of Finance,
Department of Financial Services,
Banking Division, Jeevan Deep Building,
Parliament Street,
New Delhi - 110 001.
- 2.The Chairman,
Indian Bank Association,
represented by its
World Trade Centre Complex,
Centre-1, 6th Floor, Cuffee Parade,
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3. The Chief Executive Officer/ Managing Director,
The Lakshmi Vilas Bank Ltd.,
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4. The Assistant General Manager,
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HRD Department,
Administrative Office, Karur.

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+1 CC to M/s.S.JEYASINGH, Advocate (SR-8257[F] dated 24/02/2022)

+2 CC to M/s.M.GNANAGURUNATHAN, Advocate (SR-8411[F] dated
24/02/2022 & SR-3825[F] dated 02/02/2022)

+1 CC to M/s.P.MALINI, Advocate (SR-8236[F] dated 24/02/2022)

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24.02.2022

MGJ(05.03.2022) 4P 9C