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W.P.No.13595 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

W.P. No.13595 of 2013

B.L.Nirmala Devi

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Petitioner

Vs

1. State Bank of India,
rep. by its Chairman/Managing Director,
State Bank Bhavan, Central Office,
8th Floor, Madame Cama Marg,
Mumbai, Maharashtra – 400021.

2. The Chief General Manager,
State Bank of India,
Local Head Office,
No.16, College Lane,
Nungambakkam, Chennai – 6.

3. The Assistant General Manager (Administration),
H.R.Section, State Bank of India,
Zonal Office, VI Floor,
No.21/86, Rajaji Salai, Chennai – 600 001.

4. The Asst.General Manager,
S.B.I, Cheque Processing Centre,
Royapettah, Chennai – 600 014.

5. The Assistant General Manager,
Pension, Provident Fund & Gratuity Department,
Local Head Office,
No.16, College Lane, Chennai – 6.

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Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned orders passed by the 4th respondent in DGM (B & O)/MISC dated 18.05.2012 and consequential orders issued by the 5th respondent in PPG/CHE:154 dated 31.05.2012 and quash the same and consequently direct the respondents herein to pay the interest on Rs.6,22,958/- at the rate of 12% per annum from the date of death of deceased till the date of payment to the petitioner (i.e. From 13.05.2005 to 18.05.2012) and all other terminal benefits including the person within the time fixed by this Court.

Petitioner : Mr.S.Sekar

For Respondents : Mr.K.Chandrasekar

ORDER

This Writ Petition has been filed challenging the order passed by the fourth respondent, thereby rejected the claim of the pension and also interest for the belated payment of terminal benefits.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.



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3. The learned counsel appearing for the petitioner would submit that he is reporting no instruction, since the petitioner's house is not known and he could not contact her.

4. On perusal of the records revealed that the petitioner's sister was working as Senior Assistant in the State Bank of India, Service Branch, Chennai. While she was in service, she died on 13.05.2005 at Chennai. The petitioner was directed to produce Succession Certificate from the competent Court, since the deceased employee had no issues and her husband whereabouts of her husband was also not known. Therefore, the petitioner applied for Succession Certificate in O.P.No.195 of 2007 and the same was issued on 11.03.2008 for a sum of Rs.1,50,000/- towards General Provident Fund. However, other terminal benefits was not included for want of particulars from respondent's side. Therefore, she filed an application under Section 376 of Indian Succession Act, seeking for an extended Succession Certificate in Appln.No.3405 of 2011 in O.P.No.195 of 2007 before this Court and the same was allowed on 29.07.2011. Thereafter, she was granted terminal benefits of her sister. Therefore, the delay was not due to the respondents and the delay payment of terminal benefits was only due to the petitioner



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herein. Though the petitioner is a legal heir of the deceased, being sister of the deceased employee, she is not entitled for any family pension.

Therefore, the writ petition lacks merits and is liable to be dismissed.

5. Accordingly, this Writ Petition stands dismissed. No costs.

20.07.2023

Index:Yes/No
Internet:Yes/No
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