



WEB COPY



W.P.No.22241 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2023

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.No.22241 of 2008

- 1.Elavarasi (Died)
- 2.J.Thangaraj

(P2 Substituted as LR of deceased
sole petitioner vide order dated
29.11.2022 made in WMP.27863/2022
in WP.22241/2008 by JNBJ)

... Petitioners

Vs.

- 1.State Bank of India,
Rep. by its Chief General Manager,
Local Head Office,
College Lane,
Chennai – 600 006.
- 2.State Bank of India,
Rep. by its Deputy General Manager,
Zonal Office,
McDonald's Road,
Tiruchirappalli – 620 001.
- 3.State Bank of India,
Rep. by its Chairman,
16th Floor, Corporate Centre,
New Administrative Building,
Madama Cama Road, (Nariman Point),
Back Bay Reclamation,
Mumbai – 400 021.

... Respondents



W.P.No.22241 of 2008

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus after calling for the records from the second respondent bearing Ref.No.DGM:PER:1496 dated 08.07.2008, quash the same as illegal and consequently direct the respondents to pay the petitioner the terminal benefits including Bank's Provident Fund contribution, Gratuity and pension for the actual services of 21 years rendered.

For Petitioners : Mrs.S.Meenakshi
For Respondents : No Appearance for R1 and R3
Mr.Anand Gopalan for R2

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus after calling for the records from the second respondent bearing Ref.No.DGM:PER:1496 dated 08.07.2008, quash the same as illegal and consequently direct the respondents to pay the petitioner the terminal benefits including Bank's Provident Fund contribution, Gratuity and pension for the actual services of 21 years rendered.

2.The first petitioner joined the services of the respondent Bank as Clerk cum Cashier on 17.10.1977 and was dismissed from service



W.P.No.22241 of 2008

WEB COPY

on 14.02.1985. Aggrieved by the same, the first petitioner filed I.D.No.22 of 1989 before the Industrial Tribunal, Madras and the Tribunal passed an award dated 26.02.1993, directing the respondent Bank to reinstate her with continuity of service and attendant benefits. Challenging the same, the respondent Bank filed W.P.No.16033 of 1993 and this Court vide order dated 15.09.2000 dismissed the said writ petition.

3.As against the order passed in W.P.No.16033 of 1993, the respondent Bank filed W.A.No.2272 of 2000 and the Hon'ble Division Bench of this Court vide judgment dated 28.06.2007 set aside the order passed by the Tribunal and the order passed in the writ petition. Thereafter, the petitioner made representation dated 22.12.2007 to the respondents 1 and 2 seeking to settle her retirement benefits, pursuant to which, the impugned order was passed. Hence, this writ petition.

4.The learned counsel appearing for the petitioners submitted that if the actual services rendered by the first petitioner is taken into account, she is entitled to get the terminal benefits.



W.P.No.22241 of 2008

WEB COPY

5.The respondent Bank has filed an affidavit dated 05.01.2023, wherein it is stated as follows:

'1.I state that late Ms.Elavarasi was in the services of the Bank. She was dismissed from the service of the Bank on 14.02.1985 and subsequently the order of dismissal was modified to one of discharge from service.

2.I state that following the modified punishment of discharge from service of the Bank, the Petitioner (legal heir of Ms.Elavarasi) would be entitled to the following terminal benefits:-

a.Gratitude for the period late Ms.Elavarasi was in service (FROM 16.04.1978 TO 10.10.1983)

b.P.F. Accumulation for the period she was in service from 17.10.1977 to 10.10.1983.

3.I further state that late Ms.Elavarasi was reinstated between the period 10.09.1993 to 24.08.2007 pursuant to the order of the Hon'ble High Court not to recover the amount already paid during the pendency of the Writ Petition. I state that she would be entitled to Provident Fund accumulation for the said period. (Both employee contribution as well as employer contribution).



W.P.No.22241 of 2008

4.I state that the Bank by its letter communicated to late Ms.Elavarasi to submit the execute the terminal benefit paper however she till date had not submitted the requisite applications claiming the above amounts.

5.I submit that, if the event of the legal heirs of late Ms.Elavarasi, make appropriate claims, the amounts due to late Ms.Elavarasi would be disbursed to them by the Bank.'

6.The affidavit filed by the respondent Bank dated 05.01.2023, shall form part and parcel of the record. The second petitioner/ legal heir of the first petitioner shall make appropriate application claiming the amounts due to the first petitioner. The respondents shall settle the amounts due to the first petitioner in favour of the second petitioner, within a period of four weeks from the date of receipt of the requisite application from the second petitioner.

7.The writ petition is accordingly disposed of. No costs.

06.01.2023

pri

Speaking Order/ Non Speaking Order
Index: Yes/ No Internet: Yes/ No

5/6



WEB COPY



W.P.No.22241 of 2008

J.NISHA BANU,J.
pri

To

- 1.State Bank of India,
Rep. by its Chief General Manager,
Local Head Office,
College Lane,
Chennai – 600 006.
- 2.State Bank of India,
Rep. by its Deputy General Manager,
Zonal Office,
McDonald's Road,
Tiruchirappalli – 620 001.
- 3.State Bank of India,
Rep. by its Chairman,
16th Floor, Corporate Centre,
New Administrative Building,
Madama Cama Road, (Nariman Point),
Back Bay Reclamation,
Mumbai – 400 021.

W.P.No.22241 of 2008

06.01.2023