



W.P.No.2558 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2023

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.2558 of 2020

P.G.Venkatesan

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Petitioner

/vs/

1. DBS Bank India Limited,
Rep. by its Managing Director and
Head of National Distribution,
LVB House,
No.4, Sardar Patel Road, Guindy,
Chennai – 600 032.

2. The Provident Fund Trustees,
DBS Bank India Limited,
LVB House,
No.4, Sardar Patel Road, Guindy,
Chennai – 600 032.

3. The Regional Provident Fund Commissioner
Employees Provident Fund Organization,
No.37, Royapettah High Road,
Royapettah, Chennai – 600 014.

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Respondents

(R1 & R2 cause title amended vide order dated 21.07.2022 made in
W.M.P.No.16969/2021 in W.P.No.2558/2020)



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Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of declaration declaring that the petitioner has validly exercised his option to join pension scheme dated 18.02.2011 bearing No.LVB/102-09-MAIN/Cir.61/702/10-11 of the first respondent bank and consequently direct the second respondent to transfer the entire contribution of the first respondent bank along with interest accrued thereon to the credit of the Pension Scheme of the first respondent bank governed by the Lakshmi Vilas Bank Limited (Employees) Pension Regulation, 1995 and sanction pension on the retirement of the petitioner from service.

For Petitioner ... Mr.Balan Haridas

For Respondents ... Mr.G.Anandakrishnan for R1

Mr.Anand Gopalan
for M/s.T.S.Gopalan & Co. for R2 & R3

ORDER

This Writ Petition has been filed to declare that the petitioner has validly exercised his option to join pension scheme dated 18.02.2011 and consequently to direct the second respondent to transfer the entire contribution of the first respondent bank along with interest accrued thereon to the credit of the Pension Scheme of the first respondent bank governed by Lakshmi Vilas Bank Limited (Employees) Pension



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Regulation, 1995 and sanction pension on the retirement of the petitioner from service.

2. The petitioner was the employee of the first respondent bank and got retired. He had given a representation to the respondents to sanction him pension, but so far it has not been considered. Hence the present writ petition has been filed.

3. Mr.Balan Haridas, the learned counsel for the petitioner, submitted that the petitioner was placed under suspension in June, 1999 and thereafter his services were dispensed by the first respondent; the petitioner had raised industrial dispute in I.D.No.30 of 2006 by challenging an order of dismissal; an award dated 19.12.2006 has been passed in I.D. No.30 of 2006 by allowing the Industrial Dispute raised by the petitioner and thereafter he got reinstated; the award was challenged by the respondents by way of filing a Writ Petition in W.P.(MD) No.6766 of 2007 and the same was dismissed on 14.03.2006; even the Writ Appeal in W.A.(MD) No.1293 of 2016 preferred challenging the above order has also got dismissed on 07.12.2017; thereafter the petitioner was reinstated in



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service and he got retired; the petitioner is entitled to the pensionary benefits that has been allowed to him pursuant to the orders passed in his favour in the award in I.D.No.30 of 2006.

4. Mr.G.Anandakrishnan, the learned counsel for the first respondent raised a preliminary objection that the first and second respondent are not amenable to the Writ jurisdiction and no relief is sought against the third respondent, but he has been impleaded to show that the relief has been sought against the public authority.

5. It is true that the petitioner has got his award and he ought not to have invoked the jurisdiction of this Court on the strength of the writ petition filed by the respondents. However, there is no harm for the respondents to consider the representation of the petitioner and pass order in accordance with law.

6. Hence, the petitioner shall give a fresh representation to the respondents in this regard and on receipt of the same, the respondents shall pass orders in accordance with law and by taking into consideration of the



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earlier award that has been passed in his favour by leaving the question of maintainability, within a period of eight weeks from the date of receipt of a representation from the petitioner.

7. With the above directions, this Writ Petition is disposed. No costs.

14.12.2023

Index: Yes / No
Speaking order / Non-speaking order
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R.N.MANJULA ,J.

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