



W.P.No.14625 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2023

CORAM :

THE HONOURABLE **DR. JUSTICE D.NAGARJUN**

W.P.No.14625 of 2016

R.Kamatchi

... Petitioner

Vs.

Indian Overseas Bank
Represented by Branch Manager,
Cathedral Branch,
Chennai - 600 002.

..Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus, directing the respondent to pay the monthly pension to the petitioner from March, 2014 and till her life time.

For petitioner	:	Mr.Ashwin Prasad for Ms.V.Srimathi
For respondent	:	Mr.Srinivasamurthy

ORDER

This writ petition is filed seeking a mandamus directing the respondent to pay monthly pension to the petitioner from March 2014.



2. The facts in brief as submitted by the learned counsel for the petitioner are as follows:

2.1. The petitioner's husband was working in the respondent bank as an Assistant Manager and was retired on 31.08.2000, by availing voluntary retirement service scheme. Subsequently, the petitioner's husband V.Rajaram was found missing from January 2014 and so far as his whereabouts of him is not known. The petitioner having waited for him since 2014 has ultimately requested the respondent Bank to grant family pension to her. As there was no response, this writ petition.

3. The learned counsel for the respondent has submitted that family pension will be paid by following the Indian Overseas Bank (Employees) Pension Regulations 1995. It is further submitted that if an employee expires in order to sanction family pension, an application has to be filed seeking family pension along with the death certificate of the deceased employee, the legal heir certificate and other connected documents. However, the petitioner has not filed any of these documents, thereby the petitioner's request was not considered.



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4. Heard both sides and perused the materials available on record.

5. In case an employee of the Bank dies, basing on the death certificate family pension will be granted after scrutinising relevant documents including the legal heir certificate, etc. However, in the case on hand the whereabouts of the petitioner's husband is not known. Therefore, the petitioner is expected to approach Civil Court or any other appropriate forum and obtain a decree or order that the petitioner's husband was not seen since long time, thereby, he is deemed to have been dead. After getting such directions the petitioner can file application seeking family pension.

6. The learned counsel for the petitioner submits that the petitioner would file an application by following the procedures as prescribed in the Indian Overseas Bank (Employees) Pension Regulations 1995 along with the supporting documents, and sought for a direction for early disposal of the same.



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DR. D.NAGARJUN,J.

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7. Considering the same, the petitioner is at liberty to file fresh application for family pension by enclosing all the relevant documents and on filing of such application, the respondent Bank is directed to process the application and dispose it of as expeditiously as possible. With these observations, this writ petition is disposed of. Costs made easy.

19.12.2023

vca

Index : Yes/No
Citation : Yes/ No
Internet : Yes/No

To:

The Branch Manager,
Indian Overseas Bank
Cathedral Branch,
Chennai - 600 002.

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