



W.P. No. 8417 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 8417 of 2023

K.Ananthi

... Petitioner

-VS-

1. The Managing Director,
Indian Bank-Head Office,
Avvai Shanmugam Salai,
Royapettah,
Chennai – 600014.
2. The Regional Manager,
Indian Bank, Egmore,
Chennai – 600008.
3. The Bank Manager,
Indian Bank-Redhills Branch,
No. 248, GNT Road,
Redhills, Chennai – 600052.
4. Lakshmi @ Muthulakshmi

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First to Third Respondents to consider the Petitioner's representation dated 07.01.2023 with regard to paying the service benefit and other benefit and also pay the pension benefit of the Petitioner's husband namely Kannan who was worked as Cashier in the Third Respondent's Bank to the Petitioner.



W.P. No. 8417 of 2023

For Petitioner : Mr. E.Sathiyaraj
For Respondents : Mrs. Rita Chandrasekar
for M/s Aiyar & Dolia (for R1 to R3)

ORDER

Heard Mr. E.Sathiyaraj, Learned Counsel for the Petitioner and Mrs. Rita Chandrasekar, Learned Counsel appearing for the First to Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner had made a representation dated 07.01.2023 to the First to Third Respondents claiming the terminal benefits of her deceased husband, viz., Kannan, who had worked as Cashier in its Bank, but as it did not evoke any response, he has filed this Writ Petition.

3. Learned Counsel appearing for the First to Third Respondents has filed a memo dated 21.04.2023 stating as follows:-

“2. It is submitted that the Petitioner seeks to claim settlement of terminal benefits payable to Late Kannan on the strength of the judgment dated 10.06.2016 made in S.O.P. N. 51 of 2001 on



W.P. No. 8417 of 2023

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the file of Sub-Court, Cheyyar and on the basis of the judgment and decree dated 14.07.2021 in O.S.No. 208 of 2015 on the file of the Additional District Munsif Court, Cheyyar.

3. *In the judgment dated 14.07.2021, a declaratory relief was granted by the Trial Court to that effect to the Petitioner is the legal heir of Late Kannan. In the said suit, the Bank was arrayed as First to Third Defendants.*

4. *It is submitted that on the basis of the judgment and decree dated 14.07.2021, the Petitioner sent a representation dated 07.01.2023 seeking settlement of terminal benefits payable to Late Kannan to her. Since no orders were passed on the basis of the said representation, the above Petition is filed on behalf of the Petitioner before this Hon'ble Court.*

5. *It is submitted that the judgment and decree dated 14.07.2021 in O.S.No.208 of 2015 has become final and no appeal has been filed by the Fourth Respondent against the same.*

6. *It is submitted in the light of the judgment and decree passed in the above suit namely O.S. No. 208 of 2015, the*



W.P. No. 8417 of 2023

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Respondent Bank would consider the Petitioner's representation dated 07.01.2023 in accordance with law and pay over eligible terminal benefits to the Writ Petitioner. It is submitted that the Petitioner's husband, Late Kannan being a Provident Fund Optee is not eligible for payment of pension. Insofar as the eligible terminal benefits are concerned, the same will be paid to the Petitioner in accordance with law within a period of twelve weeks."

In view of the aforesaid action taken, nothing remains for further consideration in the Writ Petition, and it shall be incumbent upon the concerned authority to make payment of the eligible amount of the terminal benefits of the said Kannan to the entitled persons following the prescribed procedure in accordance with law within the specified time limit and file report of compliance before the Registrar (Judicial) of this Court.

In fine, the Writ Petition is disposed with the aforesaid observations. No costs.

21.04.2023

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W.P. No. 8417 of 2023

Index : Yes/No

NCS : Yes/No

Note: Issue order copy by 21.08.2023.

To

1. The Managing Director,
Indian Bank-Head Office,
Avvai Shanmugam Salai,
Royapettah,
Chennai – 600014.
2. The Regional Manager,
Indian Bank, Egmore,
Chennai – 600008.
3. The Bank Manager,
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No. 248, GNT Road,
Redhills, Chennai – 600052.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



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W.P. No. 8417 of 2023

P.D. AUDIKESAVALU, J.

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W.P. No. 8417 of 2023

21.04.2023