



W.P.No.10105 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2023

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.10105 of 2020

D.Chinnammal

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Petitioner

/vs/

1. The Ministry of Finance,
Rep. by its Secretary to Govt. of India,
Department of Financial Services,
2nd Floor, Jeevan Deep Building,
Parliament Street, New Delhi.
2. The Chief General Manager (HR),
State Bank of India, Corporate Centre,
16th Floor, State Bank Bhawan,
Madame Cama Road, Mumbai – 400 021.
3. The Assistant General Manager (PPG)
State Bank of India, PPG Department,
Local Head Office, 16, College Road,
Nungambakkam,
Chennai – 600 006.
4. The Branch Manager, State Bank of India,
Walajapet Branc, Ammoor Post,
Walajapet, Ranipet District,
Tamil Nadu – 632 513.

... Respondents



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WEB COURT

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the second and third respondents to sanction family pension in pursuance of Circular No.PER 29-87 dated 20.04.1987 from the date of death of petitioner husband and pay all arrears and other benefits as per law by way of passing orders on the representation dated 25.01.2020.

For Petitioner	...	Mr.M.Selvaraj
For Respondents	...	Mr.V.Chandrasekaran for R1 Ms.A.Rexy Joesphine Mary for Mr.C.Mohan, M/s.King and Partridge for RR2,3&4

ORDER

This Writ Petition has been filed seeking direction to the second and third respondents to sanction family pension in pursuance of Circular No.PER 29-87 dated 20.04.1987 from the date of death of petitioner's husband and pay all arrears and other benefits as per law by way of passing orders on the representation dated 25.01.2020.

2. The petitioner's Husband joined the service of Imperial Bank of India (now State Bank of India) on 15.04.1950 as Watchman and he got



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confirmation on 15.10.1950 . He rendered service of 18 years and 2 months and died on 21.07.1968. On constitution of the State Bank of India under State Bank of India Act, the petitioner's husband was absorbed in the service of State Bank of India along with the other staff of the erstwhile Imperial bank of India with effect from 01.07.1955.

3. Mr.M.Selvaraj, the learned counsel for the petitioner submitted that the respondent bank framed Family Pension Rules for payment of pension and family pension to their employees; hence, the petitioner made a request to the bank for sanction of family pension and the same was rejected by the respondent bank by stating that the petitioner's husband crossed the age of 35 years when he was confirmed in service and he was not admitted to the pension fund; the respondent has failed to take into consideration of the Circular No.PER/29/87 dated 20.04.1987 wherein the petitioner's husband was treated as special category in age relaxation for admitting into the State Bank of India Employee's Pension Fund Rules; hence the respondents should be directed to sanction family pension by considering the petitioner's representation dated 25.01.2020.



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4. Ms.A.Rexy Josephine Mary, the learned counsel for respondents 2

to 4 submitted that the petitioner's husband was not an employee of the Bank when the Pension Rules came into effect and not a member of the Pension Scheme; the petitioner's husband did not contribute towards Pension fund and hence the petitioner is not entitled to claim any pension.

4.1 In the writ petition filed by the petitioner before the High Court of Karnataka in W.P.No.25185/1996, seeking direction to the Bank to grant family pension, the Court has directed the respondent Bank to consider the representation of the petitioner; the Bank vide reply dated 06.09.1999 stated that the petitioner is not entitled to family pension; thereafter the petitioner has filed O.S.No.6 of 2002 before the District Munsif Court, Walajapet for mandatory injunction to direct the bank to grant family pension to the petitioner; the said suit was decreed in favour of the petitioner; aggrieved by the said order, the bank preferred an appeal in A.S.No.27/2011 and in the appeal the Court has set aside the order passed in O.S.No.6 of 2002 and held that the petitioner is not entitled to family pension as per the applicable service rules; the petitioner has not preferred



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any appeal against the said order.

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4.2 The circular No.FER/29/87 dated 20.04.1987 is not applicable to the petitioner's husband since he had crossed the age of 35 years when he was confirmed in the service of the Bank and the same had been communicated to the petitioner; the claim of the petitioner is baseless and hence the Writ Petition should be dismissed.

5. From the perusal of the records it is seen that the petitioner's husband was not admitted to the Pension Fund since he had crossed 39 years as per the Bank Records and he had not contributed any amount towards pension fund. The Circular No.PER:29:87 dated 20.04.1987 is not applicable to the petitioner's husband. In such a case, the petitioner is not entitled for family pension. In the appeal preferred by the respondent bank in A.S.No.27/2011 the lower appellate Court has rightly held that the petitioner cannot claim family pension that too at a belated stage. Hence, I find no merits in the writ petition.



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6. In view of the reasons stated above, this Writ Petition is dismissed.

No costs.

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Index: Yes / No

Speaking order / Non-speaking order

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To:

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1. The Secretary to Govt. of India,
The Ministry of Finance,
Department of Financial Services,
2nd Floor, Jeevan Deep Building,
Parliament Street, New Delhi.



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R.N.MANJULA ,J.

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