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W.A.No. 760 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **27.03.2023**

CORAM:

**THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MR. JUSTICE PERIYASAMY VADAMALAI**

W.A.No. 760 of 2010

K. Krushnasamy ... Appellant

Vs.

1. The Executive Director-cum-Appellate Authority,
Canara Bank,
Head Office, 112 JC Road,
Bangalore- 2.

2. The General Manager-cum-Disciplinary Authority,
Canara Bank,
Industrial Relation Section,
Personal Wing, Head Office,
122, J.C. Road, Bangalore -2.

3. The Deputy General Manager (AG),
Canara Bank, Disciplinary Action Cell,
Circle Officer, Chennai.

...Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent against the order passed in W.P.No. 6901 of 2006 dated 27.01.2010.

For Appellant : Mr. V. Ramamurthy

For Respondents : Mr. C. Seethapathy
for Mr. P.R. Raman
for R1 to R3



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JUDGMENT

[Judgment of the Court was delivered by *D.KRISHNAKUMAR, J.*]

The appellant has filed the instant appeal challenging the order passed in the writ petition in W.P.No. 6901 of 2006 dated 27.01.2010.

2. The learned counsel for the appellant submitted that, even though the appellant has filed the writ petition, challenging the order of punishment of compulsory retirement, imposed by the respondent bank and the same was dismissed by this Court and aggrieved by the same, he had preferred an appeal, challenging the order passed by the writ court and the same is pending, now he seeks for provident fund and gratuity amount from the respondent bank, which the appellant is entitled for as per the provisions of the Act and same has not been settled to him. Therefore, at this stage, appropriate orders may be passed, since the appellant is entitled for the provident fund and gratuity amount from the respondent bank.



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3. The Learned Standing Counsel appearing for the respondent bank fairly submitted that though the appellant has challenged the order of compulsory retirement by filing the writ petition and the writ court has elaborately considered the same on merits and dismissed the writ petition, the appellant is entitled for the relief now sought for by him for provident fund and gratuity amount as per the provisions of Act and if the appellant approaches the bank, the same will be considered, if not already settled.

4. Considering the said submissions of the parties concerned, we are of the view that the appellant shall submit an appropriate application before the respondent bank in an appropriate format, within a period of two weeks from the date of receipt of a copy of this order and on such application being submitted within the said time to the respondent bank, the respondent bank is directed to consider the same and extend the aforesaid benefit of provident fund and gratuity amount to the appellant within a period of eight weeks thereafter.



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5. With the above directions, the writ appeal stands disposed of. No costs.

(D.K.K., J.) (P.V.M., J.)

27.03.2023

Intex : Yes/No
Internet : Yes/No
mrn

To

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D.KRISHNAKUMAR, J.
and
PERIYASAMY VADAMALAI, J.
(mrn)

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