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W.P.No. 26797 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MRS. JUSTICE N.MALA**

W.P.No. 26797 of 2023

P.K. Gopal

... Petitioner

Vs

1. The Chairman and Managing Director
Indian Bank, Central Office,
Royapettah, Chennai-14

2. The General Manager (HRM),
Indian Bank,
Royapettah, Chennai-14

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to forthwith sanction and release pension along with commutation, gratuity, earned leave encashment and all other admissible pensionary benefits to the petitioner and pay the same along with arrears.

For Petitioner : Mr. V.Vijayashankar

For Respondents : Mr. V.Kalyanaraman for R1 & R2



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ORDER

(Order of the Court was made by J.Nisha Banu,J)

This writ petition has been filed seeking for issuance of a direction to the respondents to sanction and release pension along with commutation, gratuity, earned leave encashment and all other admissible pensionary benefits to the petitioner and pay the same along with arrears.

2. According to the learned counsel for the petitioner, based upon the Schedule Tribe (ST) Community Certificate issued by the Tahsildar on 26.05.1982 certifying that the petitioner belongs to “Kondareddis Community”, the petitioner was appointed as Clerk Cum Cashier at the respondent Bank on 18.12.1984. While the service of the petitioner's colleagues, who were appointed along with the petitioner got confirmed, the service of the petitioner alone was not confirmed by the respondent Bank. Aggrieved against the same, the petitioner filed a writ petition in W.P.No.4398 of 2001 before this Court and this Court, by judgment dated 10.12.2002, had directed the respondents to confirm the service of the petitioner. Accordingly, the service of the petitioner was confirmed and he was given promotion upto the post of Scale – 3 Officer.



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3. After completion of 36 years of service, the petitioner reached the age of superannuation on 31.05.2020. While so, on 27.05.2020, the respondent Bank issued a letter, wherein it has been held that since the Community Certificate which was submitted by the petitioner at the time of appointment was referred to the State Level Scrutiny Committee for verification and the final report of the same has not been received so far by the respondent Bank, the Competent Authority has decided to place the petitioner under cessation of service from the Bank at the close of office hours on the date of superannuation i.e. 30.05.2020. As a result of which, the petitioner will not be entitled for the payment of his retirement benefits until the proceedings are completed and final.

4. The grievance of the petitioner is that as per the Pension Rules and Regulations that are applicable to the respondent Bank, the petitioner is entitled to get pension along with commutation, gratuity, earned leave encashment and other admissible benefits. But the respondent Bank has sanctioned the petitioner only with provisional pension and released his Provident fund contributions. Further, the learned counsel would submit



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that the respondent Bank, without any justification, has issued the letter of cessation of service just one day before the date of superannuation. Eventhough the petitioner has approached the Bank officials regarding his grievance, no action has been taken so far by the respondent Bank. Aggrieved against the same, the petitioner has preferred the present writ petition.

5. The learned counsel appearing for the petitioner relied on the judgment of the Honourable Supreme Court in the case of ***R.Sundaram vs. The Tamil Nadu State Level Scrutiny Committee & Ors.*** [Civil Appeal No. of 2023 (Arising out of Special Leave Petition (Civil) No. /2023 Diary No.15448 /2020)], wherein, it has been held that,

“the exercise of verification of community certificate must be completed expeditiously; inordinate and unexplained delay cannot be fathomed within the ambit of “reasonable time” .

6. The learned counsel for the respondent-Bank would submit that since the verification of genuineness of community certificate is pending before the State Level Scrutiny Committee, the respondent



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issued a letter dated 27.05.2020 holding that the petitioner will not be entitled for the payments of retirement benefits till the proceedings are completed.

7. Heard the learned counsel appearing on either side and perused the materials available on record.

8. Considering the fact that the petitioner had completed more than 36 years of service and reached the age of superannuation on 31.05.2020, this Court is of the opinion that the petitioner is entitled for post-retirement benefits accrued to him. It is pertinent to point out that the Hon'ble Apex Court and various High Courts have time and again stressed that verification after retirement is a wasteful exercise and would be purely academic. In the present case, the petitioner has been issued with the letter of cessation of service just one day before the date of his superannuation, i.e. at the verge of his retirement. In similar circumstances, in SLP(C) No.24458/2019 dated 03.03.2023, the Hon'ble Apex Court has held as follows:

“It is submitted that the respondent No.1 who



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served in the Railways has superannuated on 28.02.2022 and therefore, the exercise in this case would largely be academic on the aspect of whether she belonged to the claimed Scheduled Tribe category.

Considering the above, we deem it is appropriate to order for closure of the proceedings.

Accordingly, the Special leave Petition stands disposed of.”

9. In the light of the above decision of the Hon'ble Apex Court, this Court deems it fit to direct the respondent Bank to grant all post-retirement benefits to the petitioner, which shall be payable on the date of actual payment, along with 6% simple interest. Accordingly, this writ petition stands disposed of. No costs.

(J.N.B,J.) (N.M., J.)
13.12.2023

Index : Yes / No
Internet : Yes/No
Speaking order: Non-speaking order
msv



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To

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Indian Bank, Central Office,
Royapettah, Chennai-14

2. The General Manager (HRM),
Indian Bank,
Royapettah, Chennai-14



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J. NISHA BANU, J.
and
N.MALA,J.
Msv

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