



W.P.No.35628 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.35628 of 2019

S.Sethur

... Petitioner

Vs.

The General Manager (HRM),
Indian Bank, Personal Department,
Corporate Office,
No.54-260, Avvai Shanmugam Salai,
Royapettah,
Chennai-600 014.

... Respondent

Prayers : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to dispose of the petitioner's representation dated 08.06.2018 and consequently, directing the respondent to give Superannuation/Retirement with entire benefits to the petitioner from the date of retirement from 31.08.2012.



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For Petitioner : Mr.P.Venkatesan

For Respondent : Mrs.S.R.Sumathy

ORDER

This Writ Petition has been filed for a direction to the respondent to dispose of the petitioner's representation dated 08.06.2018 with further direction to give Superannuation/Retirement with entire benefits to the petitioner from the date of retirement from 31.08.2012.

2. It is the case of the petitioner that he had joined as Peon in the year 1977 in the Indian Bank, Pollachi Branch and was absorbed as Permanent Peon on 04.04.1983 and in the year 1985, he was transferred to Samathur Branch, Pollachi. It is further case of the petitioner that he was promoted as Clerk on 11.07.1996 and posted at Coimbatore Main Branch and attained superannuation in the very



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same branch on 31.08.2012. The grievance of the petitioner is that he was not paid any terminal benefits for the reason that the finding of the Committee constituted for verification of Community Certificate of the petitioner is awaited. It is stated that he had rendered unblemished service throughout his career and canvassed for Home Loan, Educational Loan, etc. Despite best efforts to promote the Bank's revenue, he has not been paid Superannuation / Retirement Benefits, which caused him mental agony. Having left with no other efficacious remedy, the petitioner has approached this Court.

3. The respondent has filed a counter affidavit, stating that the petitioner was appointed as Peon under SC Category and his appointment was subject to verification of his Community Certificate. Later, it was found that the District Collector, Coimbatore had cancelled the Community Certificate on 06.10.1992, mentioning that



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he belongs to Christian Adi Dravidar Community. It is further stated that the petitioner had filed W.P.No.15571 of 1999 against cancellation of his Community Certificate, in which, this Court passed an order on 01.09.2003, quashing the order of the District Collector and ordering verification by a three member District Level Committee in terms of Madhuri Patil's case of the Apex Court. It is also stated that the District Level Vigilance Committee, Coimbatore, vide order dated 03.05.2013, concluded that the petitioner belongs to Christian Adi Dravidar Community and not under SC category, due to which, he was terminated from service from the date of his retirement and his past service was forfeited, thereby he became ineligible for receipt of terminal benefits.

4. In the counter, it is pointed out that the petitioner through Union raised Industrial Dispute and after conciliation



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proceedings, an Award dated 04.05.2016 was passed in favour of the Bank, holding that the petitioner is not entitled for the terminal benefits. The petitioner thereafter filed W.P.No.40887 of 2016, in which the operation of the Award was stayed and in the petition filed before the Controlling Authority for release of gratuity amount, the Authority decided in favour of the Bank. It is the stand of the respondent in the counter affidavit that since the petitioner obtained Public service by way of fraud, he is not entitled for any terminal benefits and prayed for dismissal of the Writ Petition.

5. Heard the learned counsel for the parties and perused the material on record.

6. On a perusal of the records, it is seen that the respondent has not given any reply to the representation dated 08.06.2018 given



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by the petitioner and that the petitioner has already been appointed only on the basis of a Certificate that has been issued by the Authority which was found to be a false representation. Hence, this Court is of the view that the same has to be considered by the Authority and appropriate order has to be passed by the Authority on the representation given by the petitioner.

7. Accordingly, this Writ Petition is disposed of. The respondent is directed to pass appropriate orders regarding the claim made in the representation dated 08.06.2018 given by the petitioner, within a period of four weeks from the date of receipt of a copy of this order. Even though the claim made by the petitioner in the representation was already rejected, the authorities are directed to give appropriate reply to the petitioner to give quietus to the issue. No costs.



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Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
mps

To

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V.BHAVANI SUBBAROYAN, J,

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