



W.P.(MD).No.10703 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.10703 of 2023

M.Muthu Gunasekar

... Petitioner

Vs.

1.The Managing Director & Chief Executive Officer,
Indian Overseas Bank,
Central Office,
763 Anna Salai,
Chennai-600 002.

2.The Executive Director,
Indian Overseas Bank,
Central Office,
763 Anna Salai,
Chennai-600 002.

3.The Chief Manager,
Staff Pension Cell,
Indian Overseas Bank,
Central Office,
763 Anna Salai,
Chennai-600 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to the respondents herein to pay petitioner herein the salary arrears pertaining to the second stagnation



W.P.(MD).No.10703 of 2023

increment of Rs.2,730/- for the period between 01.11.2017 to 31.01.2019 and Professional Qualification Allowance 1 (PQA1) Rs.1,020/- for the period between 01.02.2016 to 31.12.2019 coming around to Rs.63,620.54 and the sum of Rs.60566.92 towards attendant benefits accrue on account of the arrears with eligible interest by way of implementing provision 2) of 8th Joint Note, dated 11.11.2017 for which no objection endorsement was also duly given by the Department of Financial Service (DFS), Ministry of Finance, Government of India and thus render justice.

For Petitioner : Mr.Y.Arulanandasamy

For Respondents : Mr.N.Dilip Kumar

ORDER

The present writ petition has been filed seeking direction to the respondents to pay petitioner herein the salary arrears pertaining to the second stagnation increment of Rs.2,730/- for the period between 01.11.2017 to 31.01.2019 and Professional Qualification Allowance 1) (PQA1) Rs.1,020/- for the period between 01.02.2016 to 31.12.2019 coming around to Rs.63,620.54 and the sum of Rs.60566.92 towards attendant benefits accrue on account of the arrears with eligible interest by way of implementing provision 2) of 8th Joint Note, dated 11.11.2017 for which no objection endorsement was also duly



W.P.(MD).No.10703 of 2023

given by the Department of Financial Service (DFS), Ministry of Finance, Government of India.

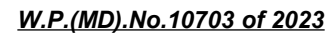
2. Heard the learned Counsel for the petitioner and the learned Counsel for the respondents and carefully perused the materials available on record.

3. The petitioner has made a representation on 01.04.2023 to the respondent Bank seeking to pay the second stagnation increment in SMGS IV as per the Joint Note, dated 11.11.2020 and for payment of salary arrears as per the Joint Note, dated 11.11.2020 and other attendance benefits on retirement, namely, Leave Encashment, Gratuity, Pension and Commutation of Pension. The petitioner was promoted from Middle Management Grade (MMG) III to Senior Management Grade (SMG) IV on 06.10.2012. For which, he was granted stagnation increment after three years of reaching maximum in the scale of pay on 01.10.2015. As per 2(d) of the Joint Note, dated 11.11.2020 Officers in Senior Management Grade (SMGS) IV are eligible for one additional stagnation increment of Rs.2,730/- after two years of receipt of first stagnation increment or with effect from 01.11.2017 whichever is later. Since the petitioner has received the first stagnation increment on 01.10.2015 and two



W.P.(MD).No.10703 of 2023

years have already elapsed, the petitioner is eligible for second stagnation increment of Rs.2,730/- from 01.11.2017 as per 2(d) of the Joint Note. However, while calculating payment of arrears, the Bank has not paid the second stagnation increment to the petitioner. While so, the petitioner was promoted from Senior Management Grade IV to Senior Management Grade V on 01.12.2019. Having completed part - II of the Certified Associate Examination conducted by the Indian Institute of Bankers (CAII B II) and drawing Professional Qualification Allowance 2 (PQA2) at the time of promotion to Senior Management Grade V. As per the Bank fitment policy on promotion to Senior Management Grade V, the Bank had fixed the petitioner's basic pay as Rs.66,070/- and the Professional Qualification Allowance 2 was withdrawn temporarily. The corresponding basic pay in Senior Management Grade V as per Joint Note, dated 11.11.2020 is Rs.1,00,350/- and the same was paid by the Bank on 12.01.2021. Under such circumstances, the petitioner had made a representation, dated 01.04.2023 referring to various other previous representations made by him via mail on 21.04.2022, 19.05.2022, 07.06.2022, 27.07.2022 etc.



6. In view of the same, the respondent Bank may be provided with appropriate time to complete the said exercise. The learned Counsel for the petitioner also drew my attention to the clarification circular by the Indian Bank



W.P.(MD).No.10703 of 2023

Association, dated 25.04.2023 by which in clause B(e) the following clarification has been made by the Indian Banks' Association:

“e. Officers in SMG Scale IV and who have received one stagnation increment shall receive the second stagnation increment of Rs.2,730, two years after receiving the first stagnation increment or with effect from 01.11.2017, whichever is later and will draw monetary benefits which include arrears of salary. For those who have retired between 01.11.2017 and 31.10.2020, all superannuation benefits like Pension, Provident Fund, Gratuity, Leave Encashment and revised Commutation, if any, from the date of eligibility of second stagnation increment or 01.11.2017, whichever is later to be paid.”

7. In view of the same, this Court is of the considered opinion that the petitioner's plight has to be considered by the respondent Bank and hence, this Court hereby direct the first respondent to consider the representation of the petitioner, dated 01.04.2023 in the light of the aforesaid clarification within a period of twelve (12) weeks from the date of receipt of a copy of this order.



W.P.(MD).No.10703 of 2023

WEB COPY

8. With the above said observation, this writ petition stands disposed of.

There shall be no order as to costs.

29.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

1.The Managing Director & Chief Executive Officer,
Indian Overseas Bank,
Central Office,
763 Anna Salai,
Chennai-600 002.

2.The Executive Director,
Indian Overseas Bank,
Central Office,
763 Anna Salai,
Chennai-600 002.

3.The Chief Manager,
Staff Pension Cell,
Indian Overseas Bank,
Central Office,
763 Anna Salai,
Chennai-600 002.



WEB COPY



W.P.(MD).No.10703 of 2023

L.VICTORIA GOWRI, J.

BTR

W.P.(MD).No.10703 of 2023

29.08.2023