



W.P.(MD)No.5449 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:09.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.5449 of 2018

P.Ramachandran

... Petitioner

Vs.

- 1.The Deputy General Manager,
State Bank of India,
Zonal Office No.2,
Dr.Ambedkar Road,
Madurai-2.
- 2.The Regional Manager,
State Bank of India-RBO-I,
Zonal Office No.2,
Dr.Ambedkar Road,
Madurai-2.
- 3.The Regional Manager,
State Bank of India-RBO-II,
Zonal Office No.2,
Dr.Ambedkar Road,
Madurai-2.
- 4.The Regional Manager,
State Bank of India,
Region-3, Administrative Office,
Tiruchirappalli Zone,



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MC Donals Road,
Tiruchirappalli-620 001.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order of the fourth respondent in RM-III/HR/002837 dated 19.12.2017 and quash the same and further direct the respondent Bank to pay the amount due, towards interest for the amount of backwages and bonus and other benefits.

For Petitioner : Mr.S.Natarajan

For Respondents : Mr.M.Ponnaiah

ORDER

This writ petition has been filed to call for the entire records relating to the impugned order of the fourth respondent in RM-III/HR/002837, dated 19.12.2017, quash the same and direct the respondent Bank to pay the amount due towards interest for the belated payment of backwages, bonus and other benefits.

2. The case of the petitioner is that the petitioner was working as Assistant in the respondent State Bank of India and as his in-cadre



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promotions to the post of Senior Assistant and Special Assistant were unduly denied, he has filed writ petitions in W.P(MD).Nos.4037 of 2006 and 4988 of 2010. Those writ petitions were allowed on 23.01.2014 by this Court by giving a direction to the respondent Bank to give due promotions from the date of his eligibility and other monitory and service benefits. But, the respondent Bank has not complied with the directions issued by this Court. Hence, the petitioner has sent contempt notice dated 23.06.2014. Thereafter, the respondent Bank has filed W.A(MD).Nos. 1059 and 1060 of 2014 and the Hon'ble Division Bench of this Court has dismissed the writ appeals. Even after the dismissal of the writ appeals, they have not complied with the direction issued by this Court. Hence, the petitioner has filed Cont.P(MD).Nos.589 and 590 of 2016 before this Court and the Hon'ble Division Bench of this Court has referred the matter to the Mediation for deciding the actual payment due from the respondent Bank. In the mediation proceedings, the amount due upto March 2017 was arrived at Rs.2,80,579.12/- (Rupees Two Lakhs Eighty Thousand Five Hundred and Seventy Nine Paise Twelve only) without calculating the interest and the said amount was paid through the



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Arbitrator. Thereafter, the Hon'ble Division Bench of this Court has closed the said contempt petitions. For payment of the interest, the petitioner has made a representation to the respondent Bank. However, the respondent Bank has rejected the request of the petitioner vide the impugned proceedings dated 19.12.2017. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that in the case of ***Dr.Uma Agrawal vs. State of Uttar Pradesh and others*** reported in ***(1999) 3 SCC 438***, the Hon'ble Supreme Court of India has held that “*necessity for prompt payment of the retirement dues to a government servant immediately after his retirement could not be overemphasised and it would not be unreasonable to direct that there would be a liability to pay penal interest on these retirement benefits. In several cases decided by this Court, interest at the rate of 12% per annum has been directed to be paid by the State*”. Hence, the petitioner is entitled for interest for the belated payment of the notional benefits.



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4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

5. The petitioner claims that he is entitled for notional benefits from the year 1999 and even after his retirement, the petitioner was not granted the notional benefits. Therefore, he has filed the writ petitions in W.P.(MD).Nos.4037 of 2006 and 4988 of 2010 and on 23.01.2014, by common order, this Court has issued a direction to the respondent Bank to give notional promotion to the petitioner to the post of Senior Assistant as per the Carrier Path Seniority List, dated 03.02.2001 and to give notional promotion with all monetary and service benefits. Aggrieved by the same, the respondent Bank filed Writ Appeal Nos.1059 and 1060 of 2014 and they were also dismissed. Since the respondent Bank has not complied with the directions issued by this Court, the petitioner has filed Cont.P(MD).Nos.580 and 590 of 2016 before this Court and the Hon'ble Division Bench of this Court has referred the matter to the Mediation and the matter was amicably settled before the Mediation. A sum of Rs.2,80,579.12/- (Rupees Two Lakhs Eighty



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Thousand Five Hundred and Seventy Nine Paise Twelve only) was paid through the Arbitrator to the petitioner. However, the grievance of the petitioner is that the petitioner is entitled for interest for the belated settlement of the notional benefits, for which, he has made a representation to the respondent Bank and the same was rejected.

6. The fact remains that this Court can issue a direction to the Competent Authority, if they have failed to settle the benefits as per the Rules and Regulations. It is pertinent to note that earlier the matter was referred to the Mediation Centre and in the mediation proceedings, the amount payable was calculated consequent upon notional promotion with all monetary benefits and the amount so arrived was Rs.2,80,579.12/- (Rupees Two Lakhs Eighty Thousand Five Hundred and Seventy Nine Paise Twelve only) as full and final settlement. The said amount was paid by the respondent Bank to the petitioner. After receipt of the said amount, the claim for interest is not sustainable one. Further, in the absence of any provision, no affirmative order can be issued by this Court. However, liberty is granted to the petitioner to work out his



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remedy in the manner known to law.

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7. Accordingly, this Writ Petition is dismissed. No costs.

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ssb

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

To:

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Madurai-2.

2.The Regional Manager,
State Bank of India-RBO-I,
Zonal Office No.2,
Dr.Ambedkar Road,
Madurai-2.

3.The Regional Manager,
State Bank of India-RBO-II,
Zonal Office No.2,
Dr.Ambedkar Road,
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4.The Regional Manager,

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M.DHANDAPANI,J.

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