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W.P.(MD)Nos. 20602 and 20687 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)Nos.20602 and 20687 of 2019

W.P.(MD)No.20602 of 2019:

M.Subbiah

... Petitioner

VS.

1.The Chairman,
Tamilnadu Grama Bank (TNGB),
Head Office, 6, Yercaud Road,
Hasthampatti, PO,
Salem-636 007.

2.The Regional Manager,
Tamilnadu Grama Bank (TNGB),
Regional Office,
Melur-Okkur Road,
Piravalur, Sivangangai-630 561.



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3.The Branch Manager,
Tamilnadu Grama Bank (TNGB),
Thiruppathur Branch, (5194),
Sivaganga District – 630 211.

... Respondents

PRAAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 3rd respondent to close the monthly income deposit and to permit the petitioner to withdraw the deposit in SDR/FDR S.No.260063 with another number attached to it is 421700083, date of deposit - 03.05.2017 with appropriate interest and any other pending payment to be paid for the same based on his representation, dated 28.08.2019.

W.P.(MD)No.20687 of 2019:

M.Subramanian

... Petitioner

vs.

1.The Chairman,
Tamilnadu Grama Bank (TNGB),
Head Office, 6, Yercaud Road,
Hasthampatti, PO,
Salem-636 007.



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2.The Regional Manager,
Tamilnadu Grama Bank (TNGB),
Regional Office,
West Car Street,
Tirunelveli-627 006.

3.The Branch Manager,
Tamilnadu Grama Bank (TNGB),
Neduvayel Branch, (5107),
Tirunelveli District – 627 803.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 3rd respondent to close the monthly income deposit and to permit the petitioner to withdraw the deposit in SDR/FDR S.No.195796 with another number attached to it is 421600270, date of deposit - 01.07.2016 with appropriate interest and any other pending payment to be paid for the same based on his representation, dated 28.08.2019.

In both cases:

For Petitioner : Mr.C.Masilamani
For Respondents : Mr.N.Dilip Kumar



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COMMON ORDER

The writ petition in W.P.(MD)No.20602 of 2019 is filed for issuance of a writ of Mandamus to direct the 3rd respondent to close the monthly income deposit and to permit the petitioner to withdraw the deposit in SDR/FDR S.No.260063 with another number attached to it is 421700083, with appropriate interest and any other pending payment to be paid for the same based on his representation, dated 28.08.2019.

2. The claim of the petitioner is that the respondents have wrongly fixed the salary to the petitioner. At the time of retirement, the respondents deducted the excess payment. However, they deposited the said amount in Bank in the name of the petitioner and the petitioner was allowed to the appropriate interest which is credited in the said account.

3. The contention of the petitioner is that after retirement, the



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respondents are not empowered to retain or stop him from enjoying the terminal benefits that is applicable to the petitioner.

4. The said contention of the petitioner is refuted by the respondents by stating that as far as the fitment of salary is concerned, the issue is raised by the Association in I.D.No.66 of 2017 and the same is pending before the Labour Court and it has reached the trial stage. Therefore, the same will be considered as and when the industrial dispute is completed.

5. However, the learned Counsel for the petitioner submitted that the respondents cannot deduct any amount after retirement. Therefore, this Court is directing the respondents to allow the petitioners in both the writ petitions to withdraw the deposited amount. The petitioners shall give an undertaking that if the industrial dispute is dismissed against the



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petitioners, the petitioners will refund the said amount. On submitting such an undertaking, the respondents are directed to allow the petitioners in both the writ petitions to withdraw the deposit.

6. The Labour Court shall complete the I.D.No.66 of 2017 within a period of three months from the date of receipt of a copy of this order.

7. With the above said observation, the writ petitions are allowed.

No costs.

Index : Yes / No

Internet : Yes

NCC : Yes / No

19.06.2023

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S.SRIMATHY, J

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