IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.399 of 2020

B.Jayakumaran ... Petitioner

/vs/

1. Union of India,
   Represented by its Secretary,
   Department of Financial Services,
   Ministry of Finance,
   New Delhi – 110 001.

2. The General Manager,
   Canara Bank,
   Human Resources Wing,
   Industrial Relations Section,
   Head Office,
   112, J.C.Road,
   Bengaluru – 560 002.

3. The Assistant General Manager,
   HRM Selection, Canara Bank,
   Circle Office, Anna Salai,
   Teynampet,
   Chennai – 600 018. ... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus to direct the second respondent to pay to the petitioner the interest on delayed payment of pension arrears up to date on the petitioner's petition dated 11.07.2019 and 12.07.2019.

For Petitioner : Mr.S.Radhakrishnan

For Respondent : Mr.S.Makesh for R2 and R3

No appearance for R1

ORDER

Heard Mr.S.Radhakrishnan, the learned counsel for the petitioner and Mr.S.Makesh, the learned counsel for R2 and R3.

2. The petitioner has filed this writ petition for issuance of a writ of mandamus to direct the second respondent to pay him the interest on delayed payment of pension arrears on the petitioner's petition dated 11.07.2019 and 12.07.2019.

3. Mr.S.Radhakrishnan, the learned counsel for the petitioner, submitted that the petitioner had applied for the pension scheme as per Circular No.265/2018 and got his pension arrears; since the pension arrears has been paid with an inordinate delay, the petitioner is entitled to get the arrears.

4. Mr.S.Makesh, the learned counsel for the respondents 2 and 3 submitted that vide Circular No.265/2018 dated 11.05.2018, the pension option was extended to non-optee employees / officers who were relieved from service with the punishment of Compulsory Retirement; as per the said Circular, the last day of exercising the option was within 60 days from the notification of the Circular; the petitioner had exercised the options to join the Pension Scheme through his application dated 19.05.2018 and the Bank has also considered the same; the petitioner is entitled to pension only as per the terms of Circular No.265 of 2018 and if the said Circular was not issued, the question of paying arrears of pension does not arise; as per the said Circular, the petitioner had already been paid with the arrears and after receiving the same, the petitioner is claiming interest on the said

amount which is impermissible in terms of Circular No.265 of 2018.

5. It is learnt that prior to the issuance of Circular No.265 of 2018, the petitioner is not entitled to arrears of pension. After receiving the pension arrears, it is unfair on the part of the petitioner to claim interest from the date of retirement till the date of the payment of arrears. Hence, this writ petition is liable to be dismissed.

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

18.01.2024

Index: Yes / No
Speaking Order / Non-speaking order
Neutral Citation Case : Yes / No
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To:

1. The Secretary,
   Union of India,
   Department of Financial Services,
   Ministry of Finance,
   New Delhi – 110 001.

R.N.MANJULA ,J.

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