



W.P.No.28336 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2024

CORAM:

**THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN**

**W.P.No.28336 of 2011**

**and**

**M.P.No.1 and 2 of 2011**

M.V.Elavazhagan

...Petitioner

Vs

1.The Deputy General Manager/Disciplinary Authority,  
Indian Bank, No.254 to 260,  
Avvai Shanmugam Salai,  
Chennai – 600 014.

2.The Branch Manger,  
Indian Bank, Pallipattu – 631 207,  
Tiruvallur District.

3.The Assistant General Manager/Disciplinary Authority,  
Indian Bank, Zonal Office, No.510/511, Gandhi Road,  
Kancheepuram – 631 501.

...Respondents

**PRAYER:** Writ Petition 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 passed by the 1<sup>st</sup> respondent in his proceedings Ref.HRM/DPC/353/2011-12, dated 14.10.2011, whereby confirming the order passed by the 3<sup>rd</sup> respondent in his proceedings



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No.Ref.ZOK/VIG/DPAS/412/236/2010-11, dated 10.01.2011 and quash the same.

For Petitioner : Ms.Karpagalakshmi for Mr.C.Prakasam  
For Respondents : Mrs.Rita Chandrasekar  
for M/s.Arya & Dolia

### **ORDER**

The Writ Petition is filed calling for the entire records relating to the impugned order passed by the 1<sup>st</sup> respondent in his proceedings Ref.HRM/DPC/353/2011-12, dated 14.10.2011, whereby confirming the order passed by the 3<sup>rd</sup> respondent in his proceedings No.Ref.ZOK/VIG/DPAS/412/236/2010-11, dated 10.01.2011 and quash the same.

2.When the matter was taken up on 19.02.2024, it was informed by the learned counsel for the respondent that the matter had been settled. Learned counsel for the petitioner wants time to verify this claim. Therefore, the matter was adjourned to 20.02.2024 On 20.02.2024, learned counsel for the respondent filed a memo stating as follows,

*“At the time of filing this Writ Petition, the Petitioner was 60 years old. In fact, on the receipt*



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*of the Order of the 3rd Respondent dated 10.01.2011, even before filing an appeal, the Petitioner accepted sum of Rs. 3.26 lakhs towards gratuity on 10.05.2011, Rs.1.36 lakhs was paid on 16.05.2011 towards PF/Employees Contribution and also the Petitioner is drawing a monthly pension of Rs.31,387.79/- and even on January 2024, the said sum was paid towards pension.*

*Taking the above facts into circumstances, the Petitioner having accepted all the benefits even before the order passed by the 1st Respondent dated 14.10.2011. Therefore, the order passed by the authority has been accepted by the Petitioner, and having withdrawn all the benefits, the Writ Petition itself becomes infructuous.*

*For the reasons stated above, it is therefore prayed that this Hon'ble Court may be pleased to dismiss the Writ Petition and pass appropriate orders and render justice."*

3.To verify from the petitioner, whether the petitioner got any intimation regarding settlement of the issue, the matter was listed today. Learned counsel for the petitioner submitted that the matter is settled between the parties.

4.Taking note of the memo filed by the learned counsel for the respondent that, the petitioner received a sum of Rs.3,26,000/- towards gratuity, Rs.1,36,000/- towards Provident Fund/Employment



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Contribution fund and that he is drawing a monthly pension of Rs.31,387.79/-, this Court is of the view that, no further adjudication is required in this Writ Petition.

5. Accordingly, this Writ Petition is dismissed as infructuous. Consequently, the connected Miscellaneous Petitions are closed. No costs.

**22.02.2024**

Index: Yes/No

Speaking order/Non-speaking order  
gd

To

1. The Deputy General Manager/Disciplinary Authority,  
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Chennai – 600 014.
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**G.CHANDRASEKHARAN, J.**

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