



W.P.No.32122 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No. 32122 of 2023

R.Varadarajan

.... Petitioner

Vs

1. The Chairman,
REPCO Bank,
No.33, North Usman Road,
T.Nagar, Chennai – 17.

2. The Managing Director,
REPCO Bank,
No.33, North Usman Road,
T.Nagar, Chennai – 17.

.... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for records relating to the order of the first respondent made in Rc.No.MHA/2023/MD/IR dated 12.09.2023, to quash the same and to consequently direct the respondents to grant pension and pensionary benefits including arrears and accrued interest thereon forthwith thereto

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.M.Vijayakumar



W.P.No.32122 of 2023

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ORDER

This Writ Petition has been filed challenging the order passed by the first respondent dated 12.09.2023, thereby closed the disciplinary proceedings on condition that the petitioner is not entitled for any benefits, such as, pension, etc., from the respondents.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner was initially appointed as General Manager of the respondents Bank in the month of April, 2001. Subsequently, he was promoted to the post of Executive Director and then as Managing Director during the year 2010. He attained the age of superannuation on 29.02.2016. He was permitted to retire from service. After his retirement, the petitioner was not settled with any terminal benefits on the ground that in regard to pre-closure charges and waiver of interest and penalty which is said to have taken place for the events on 12.10.2010 and on 22.04.2015, the waiver of pre-closure charges of RHFL which were the reference to the CBI.



W.P.No.32122 of 2023

WEB COPY

4. Pursuant to the said reference, the CBI registered an FIR in RC 0027/ACB/2016 for the offences under Section 120B r/w 420 of IPC and Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988. After completion of investigation, the CBI filed closure report by closing the FIR as “Mistake of Fact” on the ground that the allegations mentioned in the complaint are not substantiated. The said closure report was duly accepted by the Special Judge for CBI Cases, Coimbatore and closed the FIR as “Mistake of Fact” by an order dated 28.12.2017 in CMP No.2802 of 2017. As per the report submitted by the CBI, the first respondent, by its communication dated 12.09.2023, closed the disciplinary proceedings with a stipulation that the petitioner is not entitled to any benefits such as pension, etc, from the Bank or its Group Institutions. The alleged occurrence has taken place between 2010 and 2015. Thereafter, the petitioner attained the age of superannuation on 29.02.2016 and he was permitted to retire from service.

5. A perusal of the counter filed by the respondents reveals that though the CBI reported about the closure of FIR as “Mistake of



W.P.No.32122 of 2023

WEB COPY

Fact”, the disciplinary proceedings initiated by the respondents, on condition that the petitioner is not entitled for any retirement benefits including pension, was closed.

6. Pursuant to the said allegations, a complaint was lodged before the CBI. After registration of the FIR, a detailed enquiry was conducted and it was found that the allegations levelled against the petitioner and others were not substantiated and as such, the FIR itself was closed as “Mistake of Fact”. On the basis of the said report, the first respondent decided to close the disciplinary proceedings and the CBI closed the FIR and the same was accepted on 28.02.2017. After a period of six years, the first respondent closed the disciplinary proceedings on condition that the petitioner is not entitled for any benefits. As stated supra, the petitioner was also allowed to retire from service and as such, the petitioner is entitled for all retirement benefits including pension.

7. Therefore, the contention raised by the learned counsel for the respondents cannot be countenanced, since once the petitioner was permitted to retire peacefully, that too, as early as on 29.02.2016 and



W.P.No.32122 of 2023

WEB COPY

the disciplinary proceedings having been closed on 12.09.2023, the petitioner is entitled for all terminal benefits and also pension benefits.

8. In view of the above, the order passed by the first respondent dated 12.09.2023 cannot be sustained and it is liable to be quashed. Accordingly, it is hereby quashed. The respondents are directed to disburse the terminal benefits and pensionary benefits to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

9. With the above direction, this writ petition stands allowed. No costs.

31.07.2024

Internet : Yes
Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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W.P.No.32122 of 2023

G.K.ILANTHIRAIYAN, J.

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To

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W.P.No.32122 of 2023

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