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W.P.No.16896 of 2017

**IN THE HIGH COURT AT JUDICATURE AT MADRAS**

**DATED: 06.09.2024**

**CORAM:**

**THE HON'BLE MRS.JUSTICE N.MALA**

**W.P.No.16896 of 2017**

**and**

**WMP.No.3248 of 2022**

R.Ramesh

...Petitioner

**Vs.**

1. Indian Overseas Bank,  
Rep.by its Chairman cum Managing Director,  
Central Office, No.763, Anna Salai,  
Chennai-600 002.

2. The General Manager,  
Indian Overseas Bank,  
Personnel Administration Department,  
Central Office, No.763, Anna Salai,  
Chennai-600 002.

3. The Chief Manager,  
Indian Overseas Bank, Pension Cell,  
Personnel Administration Department,  
Central Office, No.763, Anna Salai,  
Chennai-600 002.

...Respondents



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Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 3<sup>rd</sup> respondent in relation to the letter dated 10.03.2015 in Ref: PAD/ PENSION/ 709/ 2015-2016 and letter dated 27.03.2015 in Ref: PAD/ PENSION/ 760/ 2015-2016 and letter dated 23.05.2015 in Ref: PAD/ PENSION/ 149/ 2015-2016 addressed to the petitioner and quash the same and issue Mandamus directing the respondents to grant the petitioner the pension together with other related benefits with effect from 05.09.2004 and award exemplary costs.

For Petitioner : Mr.G.Ilangovan  
For Respondents : Mr.P.Raghunathan  
for T.S.Gopalan & Co.

### **ORDER**

Writ petition is filed for a writ of certiorarified mandamus, to call for the records of the 3<sup>rd</sup> respondent in relation to the letter dated 10.03.2015 in Ref: PAD/ PENSION/ 709/ 2015-2016 and letter dated 27.03.2015 in Ref: PAD/ PENSION/ 760/ 2015-2016 and letter dated 23.05.2015 in Ref: PAD/ PENSION/ 149/ 2015-2016 addressed to the petitioner and for issuance of a



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Mandamus directing the respondents to grant the petitioner the pension together with other related benefits with effect from 05.09.2004 and for costs.

2. The petitioner joined Bharat Overseas Bank Ltd., on 04.09.1983 as clerk/cashier and after promotions in the year 1991 and 2002 the petitioner was relieved on VRS from 04.09.2004 after serving three months notice period. The petitioner opted PF benefits of the bank, but the petitioner was not enrolled in the bank's pension scheme. The petitioner therefore gave a letter to Bharat Overseas Bank Ltd., on 01.09.2004 opting for bank's pension scheme. The said letter was received by the bank. While so, in the year 2007, Bharat Overseas Bank Ltd., was merged with the respondent bank i.e. Indian Overseas Bank and the petitioner gave a letter on 17.09.2010 opting for pension scheme in terms of the circular issued by Indian Bank's Association in the year 2010. The petitioner once again gave request letter opting for pension scheme on the basis of the aforesaid circular in the year 2012. The petitioner also sent letters on 09.03.2015 and 25.03.2015 to the respondent bank to which the respondent



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bank replied on 10.03.2015 and 27.03.2015 negating the petitioners claim for pension without assigning any reasons. Aggrieved by the reply dated 10.03.2015, 27.03.2015 as also letter dated 23.05.2015 the petitioner has filed the above writ petition for the aforesaid relief.

3. The respondent filed detailed counter justifying the impugned orders.

The details of the counter filed by the respondents are not discussed as I don't propose to discuss the case on merits. In the letter dated 10.03.2015, the petitioner's representations were disposed of by the 3<sup>rd</sup> respondent stating that the petitioner was not eligible for second option as per Indian Overseas Bank Employees' Pension Regulations, 1995. In the second impugned letter dated 27.03.2015, the Indian Overseas Bank (Officer's) Service Regulation, 1979 was cited for rejecting the petitioner's claim and in the third impugned letter dated 23.05.2015, the respondents merely stated that their stand was already clarified in the aforesaid two impugned orders.



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4. A bare reading of the impugned letters reflects that the same are non-speaking in nature because no reasons are assigned for rejecting the petitioner's representation for second option to join the pension scheme. I am therefore of the view that the impugned orders cannot be sustained and the same are set aside.

5. The petitioner has raised several grounds in the writ petition which are not reflected in the representations submitted by him to the respondents and therefore the learned counsel for the petitioner prayed that he may be given liberty to file fresh representation by raising all grounds available to him in support of his claim for pension. The learned counsel for the respondents submitted that on receipt of the representation the respondents would pass detailed orders by considering all the relevant grounds raised by the petitioner.

6. In view of the submissions made by the learned counsels, a direction is issued to the petitioner to submit fresh representation to the appropriate authority concerned of the respondents by raising all grounds available to the



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petitioner within a period of two (2) weeks from the date of receipt of copy of this order and on receipt of such representation, the respondents shall pass orders on merits and in accordance with law within a period of three (3) weeks thereafter.

The writ petition is accordingly allowed. No costs. Consequently connected WMP is closed.

06.09.2024

Index:Yes/No

Speaking Order:Yes/No

Neutral Citation:Yes/No

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To

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Central Office, No.763, Anna Salai,  
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2. The General Manager,  
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Personnel Administration Department,  
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**N.MALA,J.**

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