



W.P(MD)No.14739 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14739 of 2024

Subramanian

... Petitioner

Vs.

1. The Chief Manager,
State Bank of India,
Karaikudi Branch,
Sivagangai District.

2. The Deputy Superintendent of Police,
Economic Offences Wing,
Sivagangai District,
Madurai Region.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st Respondent to defreeze the pension account No.31671689347 of the petitioner by considering the representation of the petitioner dated 05.06.2024.

For Petitioner : Mr.A.Balaji

For Respondents : Mr.S.Anwar Sameem for R1.
Mr.A.Albert James,
Govt. Advocate (Crl. Side) for R2.



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ORDER

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Heard learned counsel on either side.

2.The writ petitioner is a retired employee of State Bank of India. He was associated with a financial establishment known “New Raise Alayam Small Finance Banking”. It said to have cheated depositors to the tune of Rs.300 Crores. Crime No.7 of 2022 was registered on the file Economic Offences Wing, Madurai on 23.08.2022. It was subsequently transferred to Economic Offences Wing, Sivagangai. The petitioner is figuring as Accused No.23. He was arrested and was in custody for thirty days. The petitioner's pension account was also attached. For de-freezing the same, this writ petition came to be filed.

3.The learned counsel for the petitioner draws my attention to Section 11 of the Pensions' Act, 1871. It reads as follows:-

“11. Exemption of pension from attachment.—No pension granted or continued by Government on political considerations, or on account of past services or present infirmities or as a compassionate allowance, and no money due or to become due on account of any such pension or allowance, shall be liable to seizure, attachment or



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*sequestration by process of any Court 3***, at the instance of a creditor, for any demand against the pensioner, or in satisfaction of a decree or order of any such Court.*

*[This section applies 3*** also to pensions granted or continued, after the separation of Burma from India, by the Government of Burma.] ”*

4. Even though the said provision may not directly apply to the a bank employee, I can definitely invoke the principle underlying the said provision. The petitioner had served State Bank of India and he is being paid pension in view of his past service. The pension earned by the petitioner has nothing to do with his involvement as director of a defaulting financial establishment. It is the case of the second respondent that the amount in the petition mentioned account represents the proceeds of any crime.

5. In this view of the matter, I direct the first respondent to de-freeze the petition mentioned account and permit the petitioner to operate the same. The learned counsel for the petitioner gives an undertaking that the petitioner will not use the said account for any other purpose. The protection given in this writ petition against attachment will be available only for the petitioner's pension amount and nothing else.



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6.The writ petition is allowed on these terms. No costs.

19.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

The Deputy Superintendent of Police,
Economic Offences Wing,
Sivagangai District,
Madurai Region.



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G.R.SWAMINATHAN, J.

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