



W.P.(MD).No.19335 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.19335 of 2021

K.Subramanian

...Petitioner

Vs.

- 1.The General Manager / Competent Authority,
Indian Overseas Bank,
HRDD, Central Office, 762,
Anna Salai, Chennai 600 002.
- 2.The Deputy General Manager / Appellate Authority,
Indian Overseas Bank,
HRDD, Central Office,
762, Anna Salai,
Chennai 600 002.
- 3.The Chief Manager / Disciplinary Authority,
Indian Overseas Bank,
HRDD, Central Office,
762, Anna Salai, Chennai 600 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent herein to pay the Gratuity amount along with interest within the stipulated period that may be fixed by this Court.



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For Petitioner : Mr.M.Jothibas

For R-1 to R-3 : Mr.N.Dilipkumar,
Standing Counsel

ORDER

Heard Mr.M.Jothibas, learned counsel appearing for the petitioner and Mr.N.Dilipkumar, learned Standing Counsel appearing for the respondents.

2. The present writ petition has been filed seeking direction to the first respondent herein to pay the Gratuity amount along with interest to the petitioner within the time stipulated by this Court.

3. The petitioner was appointed as a Clerk in the Bank of Tamil Nadu Limited on 20.09.1982. Later, the said Bank was merged with the Indian Overseas Bank in the year 1990. Due to the ill-health of his wife, who suffered from cancer, the petitioner incurred heavy loss for the medical expenditure of his wife. In that background, one of the money lenders had initiated criminal proceedings under Section 138 of the Negotiable Instruments Act, 1881 and a complaint in S.T.C.No.137 of 2021 came to be filed before the learned Judicial Magistrate No.III, Tirunelveli, as against the petitioner, in which, an order of



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conviction was passed on 11.04.2017. Assailing the same, the petitioner had preferred an Appeal in CrI.A.No.68 of 2016 on the file of the learned III Additional Sessions Judge, Tirunelveli and the said Court on 22.12.2017 had set aside the order of conviction passed by the trial Court. While so, on 20.09.2017, the petitioner was visited by the show cause notice of the third respondent. Following which, on 16.11.2017, without notice, an order of dismissal came to be passed against the petitioner by the third respondent. On 28.12.2017, the petitioner preferred an appeal before the second respondent as against the order passed by the third respondent on 16.11.2017. But, on 29.11.2018, the second respondent passed an order by reducing the punishment, from dismissal, to that of compulsory retirement with superannuation benefits. However, his terminal benefits were not disbursed and hence, he made several representations before the concerned authorities on 06.01.2019, 08.02.2019, 08.04.2019 and 08.08.2019. The same was not considered. Hence, the petitioner has filed this Writ Petition.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to



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consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

5. Considering the limited scope of the relief sought for by the petitioner herein, this Court hereby directs the first respondent to consider the representation of the petitioner dated 08.08.2019 and pass appropriate orders on merits and in accordance with law thereby facilitating the payment of terminal benefits to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition stands disposed of. No costs.

15.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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L.VICTORIA GOWRI, J.

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