



W.P. No.14062 of 2002

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2025

WEB COPY

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.14062 of 2002

- 1 K.S.Rengarajan
- 2 S.Kruparam
- 3 N.Srinivasan
- 4 N.Sampath
- 5 K.Srinivasan
- 6 N.Ramasastrulu
- 7 P.Padmanabham
- 8 P.K.Santharam
- 9 Suseela Venkataraman
- 10 Radha Vijayaraghavan
- 11 V.K.Venugopal

... Petitioners

Vs.

- 1 Indian Overseas Bank,
Rep. by the Chairman & Managing Director,
Central Office, 762, Anna Salai
Chennai-600 002.
- 2 The Competent Authority,
For Pension Regulations,
(General Manager)
Indian Overseas Bank,
Central Office, 763, Anna Salai
Chennai-600 002.
3. Union of India,
Represented by its
Secretary to the Banking Division,
Ministry of Finance,
New Delhi – 110 001.

... Respondents

(R3 impleaded as per order dated 04.09.2007 in
WMP Nos.17437 to 17439 of 2006)



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Declaration, declaring that Sub-Clause (c) of clause (s) of Regulation 2 of Indian Overseas Bank (Employees) Pension Regulation, 1995, is null and void and direct the second respondent to pay the difference in Basic Pension and Additional Pension and Commutation of Pension with interest at the rate to be determined by this Court, in terms of the Indian Overseas Bank (Employees') Pension Regulations, 1995.

(Prayer amended as per order dated 04.09.2007 in W.P.M.P.Nos.17437 to 17439 of 2006)

For Petitioners : Mr.V.Kalyanaraman

For Respondents : Mr.S.Srivijai for
Aiyar & Dolia

ORDER

This Writ Petition has been filed seeking to issue a Writ of Declaration, declaring that Sub-Clause (c) of clause (s) of Regulation 2 of Indian Overseas Bank (Employees) Pension Regulation, 1995, is null and void and direct the second respondent to pay the difference in Basic Pension and Additional Pension and Commutation of Pension with interest at the rate to be determined by this Court, in terms of the Indian Overseas Bank (Employees') Pension Regulations, 1995.

2. Today when the matter is taken up for consideration, it is brought to the notice of this Court by the learned counsel for the petitioners that



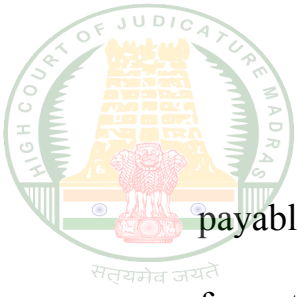
the very same issue fallen for consideration before the Division Bench of this Court in W.P.Nos.970, 5918 and 19830 of 2002 and the Division Bench by an order dated 16.04.2018 following the orders passed by the Hon'ble Apex Court in S.L.P.No.18139 of 2012 (Civil Appeal No.5525 of 2012), dated 13.02.2018, disposed of the same by observing thus:

“11. In Civil Appeal No.5525 of 2012, dated 13.02.2018 (Bank of Baroda and another V. G.Palani and others), the Supreme Court held that Explanation (c) to Regulation 2(s) was ultra vires, void and unenforceable. Pension has to be calculated on the basis of average pay of the employees during the preceding ten months of the date of retirement irrespective of the date of retirement.

12. The issues raised in these writ petitions are covered by the Judgment of the Hon'ble Supreme Court in Civil Appeal No.5525 of 2012, dated 13.02.2018 (Bank of Baroda and another V. G.Palani and others) etc., batch.

13. The respondents shall recompute the pension of the petitioners on the basis of the average salary drawn by the petitioners during the preceding ten months prior to the respective dates of their retirement. The balance due payable to the petitioners shall be paid within four months from date along with 9% interest per annum calculated as per reducing balance.”

3. In the light of the above, this Court is convinced that this Writ petition also can be disposed on the same lines. Accordingly, the respondents are directed to recompute the pension of the petitioners on the basis of the average salary drawn by them during the proceeding ten months prior to the respective dates of their retirement. The balance due



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payable to the petitioners shall be paid within a period of four months from the date along with 9% interest per annum calculate as per the reducing balance.

4. With the above terms, this Writ Petition is disposed of. No costs.

19.06.2025

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes / No
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For Pension Regulations,
(General Manager)
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