



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2025

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CORAM:
THE HONOURABLE MR. JUSTICE T.VINOD KUMAR
W.P.No.23767 of 2019

R.Mottaiyandi

.. Petitioner

vs

1.The General Manager
Marketing Department
Indian Overseas Bank,
Central Office, 763, Anna Salai,
Chennai – 600 002.

2.The Chief Executive Manager,
Indian Overseas Bank,
Central Office, 763, Anna Salai,
Chennai – 600 002.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the 1st respondent herein to pass appropriate order in order to pay the arrears of incentive amount the sum of Rs.70,168/- (Rupees Seventy Thousand one hundred and sixty eight only with 18% interest due and payable, with effect from 07.10.2013, till the date of realization, within the stipulated period prescribed by this Court.

For Petitioner : Mr.G.Thangavel

For Respondents : Mr.W.Aadarsh Levin
for M/s.T.S.Gopalan & Co.

ORDER



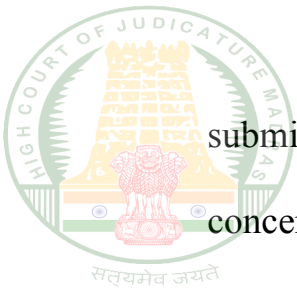
The present writ petition is filed assailing the action of the respondent in not paying arrears of incentive amount to the tune of Rs.70,168/- along with 18% interest with effect from 07.10.2013, till the date of realisation of the said amount.

2. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents No.1 and 2 and perused the materials available on record.

3. The case of the petitioner in a nut shell is that he has provided service as Thrift Deposit Collector in Palani Branch of the respondent Bank and as such, he is entitled to receive the incentive amount with effect from 07.10.2013 in terms of the agreement entered with the respondents.

4. It is the further case of the petitioner that the petitioner provided the service to the respondents without any adverse remarks and thus, he is entitled to receive the incentive on the thrift deposit collections from 07.10.2013.

5. It is also the further case of the petitioner that in respect of the service provided by him, he had submitted a representation dated 20.04.2017 to the Manager, Indian Overseas Bank, Palani, seeking payment of the incentive amount due to him; and that the aforesaid representation



submitted by him was forwarded to the Regional Office, Madurai by the concerned Bank Manager on 20.06.2017 and despite the same, the incentive amount is not been paid to him till date.

6. It is the further case of the petitioner that thereafter also, he had submitted another representation dated 10.01.2018 to the first respondent which also did not elicit any response from the respondents and as such, he has approached this Court by way of present writ petition.

7. Per contra, the learned Counsel appearing on behalf of the respondents No.1 and 2 submits that the present dispute is purely contractual dispute, for which, the petitioner has to avail remedies provided under the Civil Procedure Code and thus cannot approach this Court by invoking writ jurisdiction.

8. I have taken note of the respective contentions urged.

9. Admittedly, the dispute between the petitioner and the respondents herein is in relation to the services provided by the petitioner as Thrift Deposit Collector under an agreement of contract he had entered with the respondents, in relation to which, the alleged dispute had arisen. Since the relationship between the petitioner and the respondents is that of the service provider and service availer, the said dispute cannot be assailed by filing writ petition under Article 226 of the Constitution of India and,



being a contractual dispute, the petitioner has to avail civil remedies provided under Civil Procedure Code by approaching the Competent Court of civil jurisdiction.

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10. In the facts of the present case, since the petitioner without availing the said civil remedy has approached this Court by filing the present writ petition, this Court is of the view that the petitioner should be relegated to avail remedies provided under Civil Procedure Code, more particularly, being a contractual dispute which cannot be gone into by this Court in writ petition filed under Article 226 of Constitution of India as held by the Hon'ble Apex Court in the case of ***Joshi Technologies International INC. vs. Union Of India & Ors.*** reported in **2015(7) SCC 728**.

11. For the aforesaid reasons, this Court is of the view that the relief sought for in the writ petition cannot be granted and petitioner should be related to avail the remedies provided under the Civil Procedure Code by approaching the Competent Court of civil jurisdiction.

12. Accordingly, this writ petition is disposed of by granting liberty to the petitioner to avail appropriate remedies under the Civil Procedure Code. It is made clear that, in the event, if the petitioner seeking to avail civil remedies provided under Civil Procedure Code, the period during which the present writ petition has been pending on the file of this Court may be



excluded in terms of Section 14 of the Limitation Act, 1963, if the civil suit as may be filed is otherwise within the limitation.

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13. With the above observations, this writ petition is disposed of. No costs.

01.09.2025

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

msv

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T. VINOD KUMAR, J.

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