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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2025

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THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 26389 of 2024

B.Aravind

... Petitioner

..Vs..

1. The Tamil Nadu State Apex Cooperative Bank Ltd.,
Represented by its General Manager
No.233, N.S.C.Bose Road
Chennai – 600 001.
2. The Tamil Nadu State Apex Cooperative Bank Ltd.,
Represented by its Registrar
No.170 E.V.R High Road
Chennai – 600 010.
3. The Tamilnadu State Apex Co-operative Bank Limited
Represented by its Manager
No.4, NSC Bose Road,
Chennai – 600 001.
4. The Registrar
The Tamil Nadu State Apex Cooperative Bank Ltd.,
Old No.4, New No.233, N.S.C.Bose Road
Chennai – 600 001.
5. Mrs.B.Sumathi

... Respondents



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PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the records of the third respondent the impugned order Na.Ka.No. 16584/Mavamo/2010-11 dated 01.08.2024 passed by the first respondent and quash the same and consequently direct the third respondent to settle all the terminal benefits of Late Baskaran to the petitioner from date of died date 28.02.2011.

For Petitioner	:: Mr. S.Muthukumar
For RR 1 to 4	:: Mr.S.Sathish Rajan
For 5 th Respondent	:: Mr. D.Ashok Kumar

ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records of the third respondent/Tamil Nadu State Apex Co-operative Bank Limited, represented by its Manager at Chennai, dated 01.08.2024 in Na.Ka.No. 16584/Mavamo/2010-11 and quash the same and direct the said third respondent to settle all the terminal benefits of Late Baskaran to the petitioner herein.

2. The petitioner is the son of the late Baskaran. His father Baskaran was appointed as subordinate staff in the fourth respondent Co-operative



Society and died on 28.02.2011 while in service. He was last employed at Mehta Hospital at Chennai. The petitioner claims that he and his mother alone were the nominees. Later, when his mother applied for death-cum-retirement benefits, the third respondent had stated that succession certificate should be produced. The mother of the petitioner also produced a succession certificate in S.C.O.P.No. 15 of 2012 from the Sub Court at Poonamallee by an order dated 18.09.2012. But however, the terminal benefits had not been released by the first to fourth respondents. When the petitioner approached them, the impugned order was issued by stating that the fifth respondent, who had been subsequently impleaded as a further respondent in the Writ Petition had filed O.S.No. 1715 of 2013 before the V City Civil Court at Chennai, seeking an injunction restraining the first to fourth respondents from releasing the retirement benefits to the petitioner or to anybody else. It is stated that the said suit was dismissed as against the first to fourth respondents, and is now pending between the fifth respondent and the petitioner.

3. The mother of the petitioner died on 23.06.2019. The petitioner therefore claims that he is the only legal heir and entitled to receive all the



retirement benefits. He questions the status of the fifth respondent.

However, the learned counsel for the fifth respondent asserted that the fifth respondent has a right vested to the retirement benefits of Baskaran. These are issues which are beyond the scope of examination by this Court. There is no purpose served by the retirement benefits being held over by the first to fourth respondent without disbursing it either to the petitioner or to anybody else. In the service records of the first to fourth respondents of Baskaran, the nominee is only the petitioner and his mother Madhavi, who died on 23.06.2019.

4. In view of these circumstances, the impugned order is set aside as pendency of the suit would not come in the way of the first to fourth respondents from disbursing the terminal benefits to the petitioner herein but however, they must get an undertaking from the petitioner in clear and specific terms that if ever the fifth respondent produces any legal court decree that she is also recognised as a legal heir of Baskaran, then, he must share one half of the retirement benefits which he had received from the first to fourth respondents to the fifth respondent.

5. The Writ Petition stands disposed of. The first to fourth



respondents may get appropriate undertaking either in the aforesaid terms or

in any term to protect their interest and release the terminal benefits to the petitioner herein. The entire exercise may be completed within a period of four weeks from the date of receipt of a copy of this order. No order as to costs.

19.03.2025

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Index: Yes/No

Internet: Yes/No

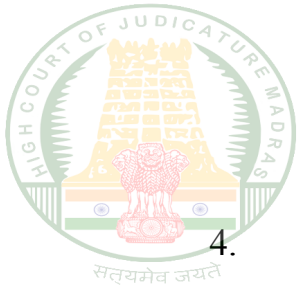
Speaking / Non Speaking Order

To

1. The General Manager
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No.233, N.S.C.Bose Road
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2. The Registrar
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4.

The Registrar

The Tamil Nadu State Apex Cooperative Bank Ltd.,

Old No.4, New No.233, N.S.C.Bose Road

Chennai – 600 001.

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