



W.P.No.35114 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2025

CORAM

THE HONOURABLE MRS JUSTICE N. MALA

W.P.No.35114 of 2022

M.Selvakumari

.... Petitioner

Vs.

1. The Deputy General Manager,
Bank of Baroda, Erstwhile Vijaya Bank,
Zonal Office,
No. 90, C.P. Ramasamy Road, II Floor,
Sriram Colony,
Alwarpet, Chennai - 600 018.

2.The Chief Manager,
Bank of Baroda, Erstwhile Vijaya Bank,
Zonal Office,
No. 90, C.P. Ramasamy Road, II Floor,
Sriram Colony,
Alwarpet, Chennai - 600 018.

3.The Branch Manager,
Bank of Baroda, Erstwhile Vijaya Bank,
Mylapore Branch, Mylapore, Chennai -
600 004.

4.Vijayakumari

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to sanction the pension benefits and family pension of R.Mohan to and in favour of the petitioner.

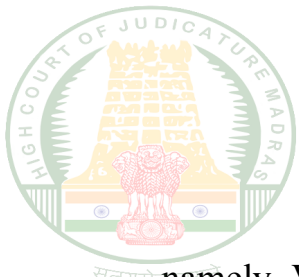
For Petitioner(s): Mr.V.Manisekaran

For Respondent(s): Mr.G.Anand Gopalan,
for M/s. Agam Legal Advocates
For R1 to R3
M/s.K.Kannan,
For R4

ORDER

The present writ petition is filed for issuance of a writ of mandamus to direct the respondents to sanction the pensionary benefits and family pension of R.Mohan to and in favour of the petitioner.

2. The case of the petitioner is that she is the legally wedded wife of late R.Mohan and that their marriage was solemnized on 20.01.1982, at Dasaprakash Kalyana Mandapam, Purasaiwakkam, Chennai. Out of the wedlock, two children were born to the petitioner and her husband. It is stated that the petitioner's husband, was employed as a Clerk at Erstwhile Vijaya Bank, Kancheepuram, now Bank of Baroda. After some time, the petitioner's husband was transferred from Kanchipuram to Chennai. Whiles, some misunderstandings arose between them and the petitioner's husband permanently settled at Chennai. The petitioner along with her children moved to her parent's house. Meanwhile, the petitioner's husband married another woman



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namely, Vijayakumari, as his 2nd wife and out of the wedlock, they begot two children, one of whom died. Thereafter, the petitioner filed a suit bearing O.S.No.1969 of 1991 on the file of District Munsif Court, Kanchipuram against her husband, Vijayakumari and Vijaya Bank, Tondiarpet Branch. The said suit was decreed, declaring the petitioner as the legally wedded wife of the employee R.Mohan and upholding her entitlement to be recorded as his nominee, in the Service Register at Vijaya Bank. The petitioner's husband retired from Service and got pension from the respondent/Bank of Baroda. All of a sudden, the petitioner's husband died on 02.04.2022, and after his demise, the petitioner gave representation on 18.07.2022, to the respondents 1 to 3, seeking service benefits and family pension of her late husband, who was employed in the erstwhile Vijaya Bank, now Bank of Baroda, Mylapore, Chennai. On receipt of such representation from the petitioner, the respondents 1 to 3 did not sanction any pensionary benefits in her favour nor gave any reply for the said representation. Hence, the petitioner filed the present Writ Petition.

3. Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner as well as the 4th respondent would submit that the petitioner and the 4th respondent have entered into a Joint Compromise Memo (JMC) and the same is placed before this Court. The Joint Compromise Memo



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is extracted hereunder:

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JOINT COMPROMISE MEMO FILED BY THE
PETITIONER AND THE 4TH RESPONDENT

1. It is submitted that the petitioner herein has filed the above writ petition seeking family pension of Death of her husband/R.Mohan, who was an employee under the respondent's/R-1 to R-3.

2. The deceased employee has married the 4th respondent and through them two children were born. The deceased employee has enrolled the 4th respondent as his wife/nominee and the children born out of her wedlock as family members.

3. Under such circumstances, the petitioner herein has filed the above writ petition seeking mandamus to pass an order to issue the family pension of the deceased employee.

4. Considering the age and prevailing medical situations of the petitioner and the 4th respondent, we have come to a conclusion that to share the family pension of deceased employee in equal we both have agreed for the said terms accordingly.

5. It is further agreed that the arrears of family pension pending with the respondent's 1 to 3 of the deceased employee shall be shared equally. The future family pension of the deceased employee shall get equally by the petitioner and the 4th respondent.

6. If any family pensioner's dies, the entire family pension of the deceased employee, then the total family pension shall go to the surviving wife. With the above terms, the joint compromise enter into between the petitioner and the 4th respondent and further direct the respondent's 1 to 3 to accept this compromise and execute this terms entered into between them and thus



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render justice.

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4. Taking into consideration the submissions made by the learned counsel on either side and in view of the fact that the contesting parties viz., the petitioner and the 4th respondent have settled the dispute between them, by entering into Joint Compromise Memo, this writ petition is disposed of by directing the third respondent-Bank to disburse the arrears of family pension pending with the respondents/Bank in equal share to the petitioner and the 4th respondent and to pay the future family pension to the petitioner as well as the 4th respondent in equal proportions as per the terms of the joint compromise memo. The Joint Compromise Memo shall form a part and parcel of this order.

No costs.

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Speaking/Non-speaking order

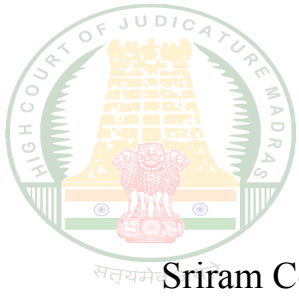
Index : Yes / No

Neutral Citation : Yes / No

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To

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N. MALA,J.,

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