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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Special Original Jurisdiction

Thursday, the Twentieth day of March Two Thousand and Twenty Five

PRESENT

The HONOURABLE MR. JUSTICE SHAMIM AHMED

WP(MD). No.19666 of 2021

M. Sethumani

... Petitioner

Vs

1 The Regional Manager,
Regional Office, Union Bank of India,
P.T.Rajan Road, Bibikulam, Madurai.

2 The Manager
Union Bank of India, Town Hall Road Branch,
Town Hall Road, Madurai.

... Respondents

Prayer :-

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the entire records of the impugned proceedings of the 1st respondent No.ROM/HR/414/2020-21 dated 16.07.2021 quash the same and consequently direct the respondents to disburse the Pension benefits available to of petitioner's husband, Late S.Mani, Employee No. 031894, and pass such other further other order as this Honble Court.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s. P. Pethu Rajesh, Advocate for the Petitioner and of Mr. C. Karthick, Advocate for the Respondents, this Court made the following order:



The co-ordinate bench of this Court vide judgment and order dated 26.11.2024 closed the present Writ Petition in the following terms:

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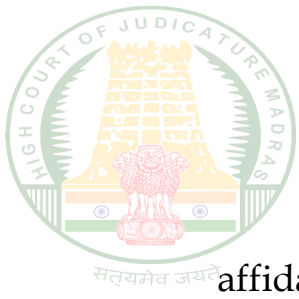
“7.Considering the rival submissions made, this writ petition is closed with a direction to the respondents to furnish the bank statements along with the option opted by the petitioner's husband, ie., Provident Fund scheme, to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

8.There shall be no order as to costs.

Since it is represented that the writ petition is filed through legal aid, list this writ petition in the first week of February, 2025, under the caption 'for reporting compliance'”

2. This Court vide order dated 06.03.2025, passed the following order:

“4. Today, when the matter is taken up, the learned Standing Counsel for the respondents has filed a compliance affidavit sworn by one T.K.Abijith, Regional Head, Union Bank of India, Regional Office, Madurai, in which no document has been annexed as to whether the petitioner opted for family pension or Provident Fund scheme, as per the order passed by this Court, dated 26.11.2024 and 20.02.2025. Even not a single paper has been annexed with this affidavit and even some papers have been shown before this Court, it is not relevant to make compliance of the order of this Court dated 26.11.2024 and 20.02.2025. Thus, the compliance affidavit filed by T.K.Abijith is totally incomplete.



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5. Accordingly, the person, who has filed the compliance affidavit, namely, T.K.Abijith, Regional Head, Union Bank of India, Regional Office, Madurai, is directed to appear before this Court in person along with the original records in respect of the petitioner's husband regarding at the time when he entered into the services and retired from the services. He shall also file an affidavit as to whether the petitioner's husband, late.S.Mani has opted for family pension or for other option and what amount has been paid to him. That statement shall also be mentioned in the affidavit. Let a copy of this order be issued to Mr.C.Karthick, learned Standing Counsel for the respondents for its necessary compliance and information.

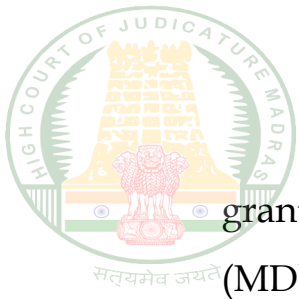
6. Put up this case for orders on 13.03.2025 before the appropriate Bench."

3. This Court vide order dated 13.03.2025, passed the following order:

"3.In compliance of the order dated 06.03.2025, Mr.T.K.Abijith, Regional Head, Union Bank of India, Regional Office, Madurai, is present in person before this Court today, but he had not brought the original records. He submits that the original records are of the year 1974 and the same is available in Coimbatore Head Office. Thus, he prays further time to produce the original records before this Court.

4.This Court is taking a sympathetic view on the request made by Mr.T.K.Abijith, who is present before this Court.

5.Accordingly, considering the request made by Mr.T.K.Abijith, as a last opportunity, 7 days and no more time is



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granted to him to make compliance of the order passed in W.P. (MD) No.19666 of 2021 dated 06.03.2025 and to produce the original records before this Court without fail. In the meantime, Registry is directed to trace the counter affidavit filed by the respondents and place it before this Court on or before the next date fixed and the learned counsel for the petitioner is directed to file a rejoinder affidavit to the counter affidavit filed by the respondents, if any, within the same period.

6.Put up this case 'for orders' on 20.03.2025 before the appropriate Bench."

4. In compliance with the order passed by this Court dated 13.03.2025, Mr.T.K.Abijith, Regional Head, Union Bank of India, Regional Office, Madurai, appeared before this Court today and produced the original records pertaining to the Petitioner's husband. He also filed a compliance affidavit, annexing the Provident Fund Settlement letter, application for Provident Fund Statement, and other statements of account relating to the Petitioner's husband.

5. Mr.C.Karthick, learned counsel for the Respondents also submits that a perusal of the records clearly reveals that the Petitioner's husband had opted exclusively for the Provident Fund (PF) scheme and not the Pension scheme.

6. Upon perusal of the original records, it is observed that the Petitioner's husband, who joined the Bank's service on 01.03.1974, retired from service on 01.02.2009. He had submitted an Option Form on 09.01.2009. In Column 15 of the

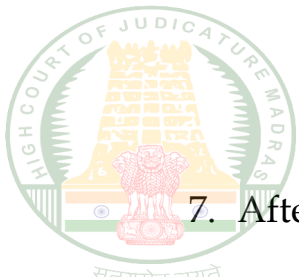


thereby opting out of the pension scheme. This application, filled by the Petitioner's husband on 09.01.2009, formed the basis for the settlement of his entire payment by

the Respondents after his retirement. Relevantly, the tabular column at paragraph No.6 of the compliance affidavit extracts the following information:

DETAILS OF BENEFITS GIVEN TO Mr.MANI, ON HIS RETIREMENT

Nature of benefit	Amount (in Rs.)	Dated	Transferred to Account of Mr.Mani
1) PL ENCASHMENT	232073.52	09.01.2009	335104020999004
2) GRATUITY	350000.00	02.02.2009	335104020999004
3) PROVIDENT FUND	805457.62		
	i) Out of Rs.805457.62 he had deposited Rs.2.00 Lakhs on 04.02.2009 and same was closed by him on 06.06.2009.	04.02.2009	335103060765348
	ii) another Rs.2,00,000/- deposited on 04.02.2009 and the same was closed by him on 30.04.2009.		
	iii) Rs.24440.00 was transferred by him to M.Mahesh (son) Education Loan Account.	04.02.2009	335103060765349
	iv) Balance Rs.381017.62 was transferred to his SB Account.	04.02.2009	335106550000115
		04.02.2009	335102070458499
TOTAL	1387531.14		



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7. After perusal of paragraph No.7 of the affidavit, it is stated that the Petitioner's husband, an employee of the Respondent Bank, had opted for the Provident Fund scheme and not for Pension scheme. Upon his retirement, he received all the benefits as stated above, thereby confirming that he was not a participant in the Pension scheme. Had he opted for the pensionary scheme, he would not have been eligible for the benefits under the PF (Provident Fund) scheme. The Provident Fund Statement clearly indicates that the Petitioner's husband was solely an optee for the PF (Provident Fund) scheme, not the Pension scheme. Furthermore, the Provident Fund Settlement letter annexed to the compliance affidavit provides the details regarding deceased employee's contributions, interest on employee contributions to Provident Fund, employer's contributions to the Provident Fund, and other relevant details.

8. I have carefully considered the submissions made by the learned counsel for the Respondents and Mr. T.K. Abijith, Regional Head, Union Bank of India, Regional Office, Madurai, who is also present before this Court today and have thoroughly examined the original records, the compliance affidavit filed by the Respondents, the averments made in the Writ Petition, and other relevant documents. This Court is satisfied that the husband of the Petitioner had, in fact, opted for the Provident Fund (PF) scheme and not for the Pension scheme, as evident from the form filled up by him on 09.01.2009. Upon perusing all the records, it is evident that the employee/the petitioner's husband joined duty on



01.03.1974 and retired from service on 31.01.2009. He received all his benefits immediately after retirement, as stated above. Notably, the deceased employee never claimed any benefits under the "Pension Scheme" during his lifetime, as he had already received all the benefits under the "Provident Fund Scheme". The petitioner's husband passed away on 24.12.2016. The present Writ Petition has been filed by the Petitioner in the year 2021, after her husband's demise, apparently with the expectation of securing some monetary benefits from the Respondent Bank.

9. In view of the aforementioned findings, this Court accepts the submissions made by the learned counsel for the Respondents as well as Mr.T.K. Abijith, Regional Head, Union Bank of India, Regional Office, Madurai, who is present before this Court today. Therefore, no further orders are required to be passed in the present Writ Petition. The present case is accordingly disposed of in view of the above observations. The file shall be consigned to the records.

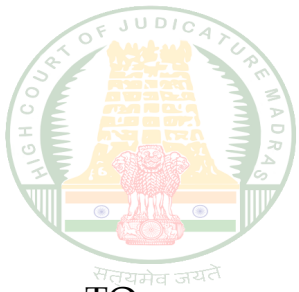
Sd/-

20/03/2025

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Sub Assistant Registrar
(CS- I/ II / III / IV)



TO

1 The Regional Manager,
Regional Office, Union Bank of India,
P.T.Rajan Road, Bibikulam, Madurai.

2 The Manager
Union Bank of India, Town Hall Road Branch,
Town Hall Road, Madurai.

Copy to:

The Section Officer,
Writ Section,
Madurai Bench of Madras High Court, Madurai

+ 1c.c. To P. Pethu Rajesh, Advocate SR.No.18816.

ORDER DATED : 20/03/2025

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ORDER

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WP(MD). No.19666 of 2021
Giving direction and etc.
as stated within.

MGJ(28.03.2025) 8P 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023