**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

Reserved On : 29.07.2025

Pronounced On : 20.08.2025

CORAM:

**THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE**

W.P. (MD) No.23977 of 2017
and
W.M.P.(MD)No.20132 of 2017

N.Krishnamoorthy,
Devanur,
Musuri Taluk,
Trichy - 621 214. ... Petitioner

Vs.

1. The General Manager,
Personal Wing, HRM Section,
Canara Bank,
Head Office,112, J.C.Road,
Bangaluru - 560 002.

2.Canara Bank Employees Pension Fund,
Rep.by its General Manager,
14, Naveen Complex,
Bangalore - 560 001.

3.The Deputy General Manager,
Canara Bank,
Circle office.
East Veli Street,
Madurai - 625 001.

4.The Assistant General Manager,
HRM Section,
Canara Bank Circle Office,
Madurai - 625 001.

5.The Chief Manager,
Canara Bank,
Thirunagar Branch,
Madurai - 625 006. ... Respondents

PRAYER in W.P.:

To issue an order or orders or directions or writs in the nature of Writ of Certiorarified Mandamus calling for the records from the 3rd respondent relating to the letter dated 16.05.2017 bearing ref. No.MDUC HRM 2011 2017 and quash the same as illegal, arbitrary, without jurisdiction and consequently directing the Respondent Bank to treat the Petitioner representation dated 20.02.2012 as the option given for pension and to pass order for payment of Pension to the Petitioner together with arrears and interest at the rate of 12% per annum and to pass such other orders as this Hon'ble Court may deem fit in the interest of justice, award costs and render justice.

PRAYER in WMP:

To pass interim direction directing the 3rd respondent Pension Trust to receive Rs.4,37,519.52/- paid to the Petitioner towards the Banks contribution of Provident Fund which is mandatory for paying pension pending disposal of the Writ Petition and to pass such further or other orders as this Hon'ble Court may deem fit and render justice.

**APPEARANCE OF PARTIES**:

For Petitioner : Mr.C.Nihil Nandha, Advocate
For Mr.D.Kirubakaran, Advocate

For Respondents : Mr.N.Dilip Kumar, Advocate for R1 to R5

**JUDGMENT**

Heard.

2. The petitioner in this writ petition seeks to quash the order of the third respondent, the Deputy General Manager, Canara Bank, Madurai, dated 16.05.2017. The prayer is to treat the petitioner's representation dated 20.02.2012 as an exercise of option for pension and consequently direct the respondents to grant pension with arrears together with interest at 12%. When the matter was taken up on 22.12.2017, notice was ordered. On behalf of the fourth respondent, a counter affidavit dated 07.06.2018 has been filed.

3. The case of the petitioner is that he entered service with the respondent Bank in the year 1984. In March 1990, while serving as a Clerk at the Uthamapalayam Branch, he was removed from service, which led to the raising of an industrial dispute. The said dispute, numbered I.D. No. 33 of 1992, was adjudicated by the Industrial Tribunal, Tamil Nadu. By award dated 19.09.1995, the Tribunal directed reinstatement of the petitioner, but without continuity of service and without back wages. In addition, the Tribunal imposed the punishment of stoppage of four increments with cumulative effect.

4. As against the said award, the respondent Bank preferred W.P. No. 1313 of 1996 before this Court. By order dated 14.12.2001, the writ petition was dismissed, this Court having declined to interfere with the award of the Tribunal in view of the peculiar circumstances of the case and the delay involved. Thereafter, the Bank preferred W.A. No. 572 of 2002, which was also dismissed on 29.01.2008. The Bank then carried the matter to the Hon'ble Supreme Court in S.L.P. (Civil) No. 15860 of 2008, which too was dismissed by order dated 15.01.2020. Consequent thereto, the Bank imposed the penalty of stoppage of four increments with cumulative effect and reinstated the petitioner at its Karaikudi Branch, directing him to report for duty on or before 17.03.2010.

5. The petitioner retired from service on 31.05.2017. Since he had not exercised any option for pension during his service, the benefit of pension was not extended to him. The same was communicated by the respondent Bank through its letter dated 16.05.2017, wherein it was stated as follows:—

> "It is observed that as on the date of extension of second option for pension vide HO Cir.No. 297/2010 dated 21.08.2010, in pursuance of settlement dated 27.04.2010, you were in the services of the Bank. However, you have failed to exercise your option for joining the Pension Scheme as per terms and conditions stipulated therein."

6. It is this order that is under challenge in the present writ petition. In the counter affidavit filed by the respondents, in paragraphs 9(e), 9(f), 9(g) and 9(k), the following averments have been made:—

> "9 (e). I submit that in pursuant to the above industry level settlement, the Respondent Bank issued as Circular No.297/2010 dated 21.08.2010, which is enclosed as ANNEXURE R3 which is based on Memorandum of Settlement / Joint Notice dated 27.04.2010 regarding the extension of another option to join the existing pension scheme under certain terms and conditions from all the eligible employees. As per the said Circular / Scheme, the employees who were in the service of the respondent Bank prior to 29.09.1995 and continued in the service of the bank as on 27.04.2010 were one among the segments eligible for exercising pension option and they were required to exercise their option in writing within 60 days from the date of the Circular by authorizing the Trust of the Provident Fund of the Bank to transfer the entire Bank's Contribution to Provident Fund along with interest accrued thereon to the credit of the Pension Fund and also authorizing the Bank to deduct and transfer an amount equivalent to 2.8 times of their revised "pay" for the month of November 2007 from the arrears paid to them on account of the wage revision to the credit of pension fund.
>
> (f) It was made it clear by the respondent Bank as per the Industry level settlement, that the option in the prescribed format should reach the Designated Authority on or before 19.10.2010 and the refund of the amount on or before 18.11.2010 and the Bank would not be responsible for any postal delay and under no circumstances, an option / refund received after 19.10.2010/18.11.2010 respectively shall be entertained. It was also made crystal clear that the employees who did not submit their option within the stipulated date would be deemed that they did not wish to opt for Pension

Scheme and remitting / refunding the amount without submitting the option within the period stipulated shall not be considered as a valid option.

(g) It is most humbly submitted that this respondent had also issued paper publications in leading news papers regarding the extending another option for pension apart from the internal communications / circulars. The Indian Bank's Association had also issued paper publication regarding the same. Apart from the paper publication, the Circular was published in website of the Bank at www.canarabank.com as such Bank had taken all steps to publicize another option for pension. The Circular were also placed on the Intranet of the Bank / Posted on the notice Board of the Bank / Branches for giving wide publicity being an employee on the rolls of the Bank cannot deny the knowledge of the same. It is submitted that though the Petitioner was eligible to submit option for pension however, he did not submit the same and thus chose to continue with Contributory Pension Fund as second retiring benefit.

(k) I submit that though the Petitioner rejoined in the Bank with effect from 15.03.2010 and the Circular No. 297/2010 dated 21.08.2010 of the respondent Bank giving another option for pension to all eligible employees was issued after more than 5 months of his joining, the petitioner though eligible to exercise his option had not exercised his pension option for joining in the pension scheme till its closure despite the fact that the option was open from 21.08.2010 to 19.10.2010. But, on the contrary, the petitioner was keen and consistently representing to credit the Bank's Contribution to Provident Fund to his PF Account in his representations dated 20.02.1012 and 18.11.2013 and there was no whisper about pension or pension option in those representations. Subsequently, when the Petitioner represented for pension option, the Respondent Bank in its communications No. MDUC HRM 5344 2014 dated 09.10.2014, MDUC HRM 2286 2016 dated 28.06.2016

> and also MDUC HRM 2011 2017 dated 16.05.207 had made it clear to the Petitioner that he failed to exercise his option for joining the Pension Scheme as per the term and conditions stipulated in its Circular No. 297/2010 dated 21.08.2010 within the stipulated time period and hence his request for extension of another pension option could not be considered favourably."

7. The learned counsel for the respondents filed written submissions dated 21.10.2024, contending that the petitioner was guilty of delay and laches and had failed to exercise the option as prescribed. The stand of the respondents cannot be brushed aside, as the petitioner did not avail the opportunity to exercise his option despite being granted time. Accordingly, the writ petition stands dismissed. There will, however, be no order as to costs. The connected W.M.P. is also dismissed.

**20.08.2025**

Index: Yes / No
Speaking Order / Non-speaking Order
Neutral Citation : Yes / No
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Copy to:

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5.The Chief Manager,
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Thirunagar Branch,
Madurai - 625 006.

**DR. A.D. MARIA CLETE, J.**

LS

Pre-delivery Judgment made in
W.P. (MD) No.23977 of 2017

20.08.2025