



WEB COPY

WP No. 4741 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-03-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

W.P. No. 4741 of 2026

M. Boominathan (SR 12735/ID No.712037)
S/o. Muthaiah (Late),
No.55, 3rd Cross Street,
Thanikachalam Nagar 'C' Block,
Chennai 600 110.

..Petitioner

Vs

1. Indian Bank
Rep. by its Chief Executive Officer/
Corporate Office, Avvai Shanmugam Salai,
Royapettah, Chennai 600 014.
2. General Manager (HRM),
Indian Bank,
Corporate Office, Avvai Shanmugam Salai,
Royapettah, Chennai 600 014.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to settle and pay the Leave Encashment for 240 days due and payable to the petitioner as has been claimed by him in his representation dated 15.03.2021, 13.07.2021, 07.09.2021 and 09.12.2024 within a time frame.

For Petitioner:

Mr.Ramesh, Senior Counsel
for Mr. V.Subramani

For Respondents:

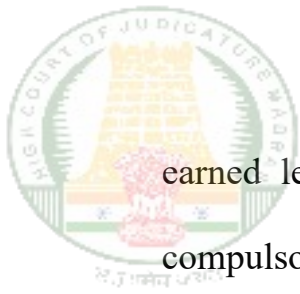
Mr.A.Abdul Wahab for R1 and R2



ORDER

The present Writ Petition has been filed for the issuance of a Writ of Mandamus directing the respondents to settle and pay the Leave Encashment for 240 days due and payable to the petitioner as has been claimed by him in his representation dated 15.03.2021, 13.07.2021, 07.09.2021 and 09.12.2024 within a time frame.

2. The Petitioner was employed as a Scale II Officer (Manager) with the first respondent Bank. While serving at the Cuddalore Main Branch, the Petitioner was issued a charge memo, which resulted in the imposition of the punishment of compulsory retirement vide order dated 30.09.2005. Subsequent appeal and review were rejected on 16.05.2006 and 30.03.2007, respectively. The Petitioner challenged these orders through W.P. No. 4125 of 2008, which was dismissed on 05.03.2017. Following the dismissal, the petitioner requested the settlement of his gratuity. The Bank refused, citing that compulsory retirement disqualifies an employee from receiving gratuity. However, relying on the Hon'ble Supreme Court decision in *Union Bank of India and others Vs. C.G. Ajay Babu and another*, which established that compulsory retirement is not a bar to receiving gratuity, the petitioner approached the Controlling Authority under the Payment of Gratuity Act, 1972, and secured a favorable order. Subsequently, the petitioner applied for the encashment of 240 days of



earned leave. The Bank denied this request, maintaining that an employee compulsorily retired from service is not entitled to leave encashment.

Consequently, the petitioner submitted representations dated 15.03.2021, 13.07.2021, 07.09.2021, and 09.12.2024, seeking the encashment of leave. As the respondent has failed to take action or dispose of these representations, the Petitioner has filed the present Writ Petition.

3. Heard the learned counsel for the petitioner and the leaned counsel for the respondents.

4. The petitioner has secured a favourable order directing the disbursal of gratuity, which has not been challenged by the respondents. Considering this fact and the submissions made on either side, this Court directs the respondents to consider the petitioner's representation dated 15.03.2021, 13.07.2021, 07.09.2021 and 09.12.2024 seeking the encashment of leave and pass orders, on merits and in accordance with law, within a period of one (1) month from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

05-03-2026

Asi



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P.T.ASHA J.

Asi

To

1. The Chief Executive Officer, Indian Bank
Corporate Office, Avvai Shanmugam Salai,
Royapettah, Chennai 600 014.
2. General Manager (HRM),
Indian Bank,
Corporate Office, Avvai Shanmugam Salai,
Royapettah, Chennai 600 014.

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