



WEB COPY



W.P.No.30306 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2026

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.30306 of 2011

M.Jayaraman
S/o.V.Murugaiyan

... Petitioner

VS.

General Manager
Indian Bank Head Office
HRM Department Pension Cell
66, Rajaji Salai,
Chennai-600 001.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondent to revise the petitioner's pension order dated 01.12.2008 in I.D.No.512930 as per his representation by not deducting the period of suspension of 4 years for the qualifying service to fix his pension and other retirement benefit like gratuity and encashment of leave.

For Petitioner : Mr.M.Muthappan
For Respondent : Mr.T.Sundar Rajan



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ORDER

Heard the learned counsel on either side.

2. The petitioner seeks issuance of a Writ of Mandamus directing the respondent to revise his Pension Order dated 01.12.2008 in I.D. No. 512930, by not deducting the period of suspension of four years from qualifying service for the purpose of fixation of pension and other retiral benefits such as gratuity and encashment of leave.

3. The primary contention of the petitioner is that he is entitled to the said benefits by invoking Clause 21 of the Indian Bank (Employees') Pension Regulations, 1995 (hereinafter referred to as "the said Regulations"), which are applicable to the employees of the respondent Bank.

4. Clause 21 of the said Regulations, upon which the petitioner places reliance, deals with the treatment of the period of suspension. It provides that the period of suspension of an employee pending enquiry shall count as qualifying service where, on the conclusion of such enquiry, the employee has been fully exonerated or the suspension is held to be wholly unjustified.

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In all other cases, the period of suspension shall not count as qualifying service unless the Competent Authority, while passing orders under the Service Regulations or the Discipline and Appeal Regulations or the Settlements governing such cases, expressly declares that the period of suspension shall count as qualifying service to such extent as it may specify.

5. In the instant case, the petitioner was placed under suspension from 1987 to 1991. Ultimately, an order of punishment of stoppage of one increment for a period of six months without cumulative effect was imposed on him. Since the petitioner was not fully exonerated, and in the absence of any specific order passed by the Competent Authority directing that the period of suspension be counted as qualifying service, Clause 21 of the said Regulations cannot be pressed into service by the petitioner.

6. In view of the above, the petitioner is not entitled to have the period of suspension counted as qualifying service for the purpose of pension and other pensionary benefits.



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HEMANT CHANDANGOUDAR, J.,

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7. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs.

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Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-speaking

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