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W.P.No.21575 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 17.02.2026

Pronounced on : 27.02.2026

CORAM :

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.21575 of 2021

V.N.Munuswamy(died)

1. Smt. M.Jayanthi

2. Smt.S.Pradeepa

*(Impleaded vide order dated 27.02.2026
in WMP.No.26075/2021)*

... Petitioner

vs

1. The State Bank of India

Rep. By its Chief General Manager,
Local Head Office,
'Circle Top House' No.16, College Lane,
Nungambakkam, Chennai – 600 006.

2. Assistant General Manager,

Pension Provident Fund & Gratuity Department,
State Bank of India,
Local Head Office,
'Circle Top House' No.16, College Lane,
Nungambakkam, Chennai – 600 006.

... Respondents

Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating



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to the impugned letter issued by the second respondent bearing LHO/CHE/PPG/PEN/2021-22/570 dated 07.09.2021 and quash the same and consequently direct the respondents to sanction pension to the petitioner from the date of discharge from service on 18.10.2003 with arrears of pension with interest thereon within a time frame and pass orders.

For Petitioner : Mr.K.M.Ramesh
Senior Advocate for
Mr.V.Subramani

For Respondents : Mr.B.Raghavulu Naidu

ORDER

Heard the learned Senior Counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the records.

2. The case of the petitioner, in brief, is that he had joined the service of the respondent bank on 29.06.1981 and after probation of 6 months period, his service was confirmed with effect from 29.12.1981; that while working in the respondent bank, he was placed under suspension on 18.12.2001 and was finally discharged from the service on 18.10.2003.

3. It is the further case of the petitioner that the respondents had initiated disciplinary action against him and on finding, the charges proved against him, had



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“discharged him from service with superannuation benefits ie., pension, provident fund and gratuity as would be due otherwise under the Rules or Regulations prevailing at the relevant time and without disqualification from future employment”; and that by the order of disciplinary authority dated 18.10.2003, the period of suspension i.e., from 18.12.2001 to 18.10.2003 ie., 1 year 10 months as suspension only, for all intents and purposes.

4. Petitioner further contended that in all, from the date of joining of service of the respondent bank on 29.06.1981, till the order of disciplinary authority by which he was discharged from service on 18.10.2003, he had put in 22 years 4 months of service and by excluding the period of suspension of 1 year 10 months, he had put the service of more than 20 years and was thus, entitled to be granted pension in terms of State Bank of India Employees Pension Fund Rules (in short “Pension Rules”).

5. It is the further case of the petitioner that though he had challenged the action of the disciplinary authority in discharging him from service, firstly, by filing an Appeal and thereafter approaching this Court by way of Writ Petition, the challenge to the disciplinary order was not successful and the Writ Petition filed by



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him was dismissed on 12.01.2009.

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6. It is the further contention of the petitioner that notwithstanding the order of disciplinary authority having attained the finality, he is entitled for being granted pension as he was admitted to the membership of Pension Fund of the respondents and also having completed the period of pensionable service prescribed under the Pension Rules.

7. Petitioner contended that as the respondents did not grant him pensionary benefits, though he is eligible, he had approached the first respondent and submitted a representation dated 23.10.2020 requesting to consider his claim for pension and as the said representation did not illicit any response from the first respondent, he had followed up by another representation dated 24.08.2021.

8. Petitioner contends that in response to the representation given by him on 24.08.2021, the second respondent herein had issued the impugned reply *vide* communication dated 07.09.2021 rejecting the claim of the petitioner for being granted pensionary benefit on the ground that he is not eligible for pension as he



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has not completed 20 years of pensionable service and that the Judgment of the Hon'ble Division Bench of this Court in W.A.No.1483 of 2014 relied upon by him in his representation, is applicable only for that case.

9. Petitioner contends that the respondents have rejected his request for grant of pensionary benefit on the ground of he having not completed 20 years of pensionable service, by excluding the period when the petitioner was on probation; and that the said claim of respondents is contrary to the decision of this Court in W.A.No.1483 of 2014.

10. On behalf of the petitioner, it is contended that once the services are confirmed, such confirmation relates back to the date of initial joining and if the period of service is reckoned from the date of initial joining till the date of discharge, even by excluding the suspension period, he had put in required period of pensionable service of 20 years as per Rule 22 of Pension Rules, and the respondents could not have denied the grant of pension.

11. Contending as above, on behalf of the petitioner reliance is placed on



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the decision of Apex Court, Gujarat High Court and Andhra Pradesh High Court

WEB COPY (infra).

12. Counter affidavit on behalf of the respondents is filed.

13. The respondents by the counter affidavit contended that though the petitioner was admitted into service of the first respondent on 29.06.1981, he became eligible to become a member of the pension fund only on his service being confirmed; that as the petitioner services were confirmed on 29.12.1981, he was enrolled and admitted to the membership of pension fund on 29.12.1981 and necessary entry to the above effect was made in service record showing the date of admission to the membership of pension fund as on 29.12.1981.

14. The respondents further contended that the petitioner never raised any objections for being shown as admitted to the membership of pension fund from 29.12.1981 all through his service with the first respondent bank or in any proceedings initiated by him challenging the order of disciplinary authority before the Appellate Authority or before this Court; and that after a lapse of 15 years from the dismissal of the writ petition, filed the present writ petition, raising the said



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15. The respondents further contended that as per Rule 22 (1) of SBI Pension Rules, the petitioner would become eligible for pension benefits under the Rules, when admitted to the membership of the pension fund and the period of pensionable service is to be counted only from the date of employee becoming a member, till the date of retiring from bank service by completing 20 years of pensionable service; that Rule 7 of Pension Rules makes a permanent employee eligible to become a member of the pension fund only from the date on which his service is confirmed in the bank; that a conjoint reading Rules 7, 8 and 22 of the Pension Rules would only mean that in order to be eligible to get pension the pensionable service is to be counted from the date of employee becoming a member of pension fund, which takes place only on confirmation of service, excluding the probationary period; and thus, the petitioner cannot claim that the probationary period of service is to be included as “pensionable service” for being granted pension under the Rules.



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16. On behalf of the respondents, it is further contended that the reliance placed on the decision of the Hon'ble Division Bench of this Court in W.A.No.1483 of 2014 would not advance the case of the petitioner as the Hon'ble Supreme Court *vide* its order dated 06.07.2015 in SLP.(C).No.16478 of 2015 had left the question of law raised, open.

17. On behalf of the respondents, it is also contended that the decision on which reliance is placed by the petitioner was rendered on 16.02.2015; and that the present writ petition has been filed 6 ½ years thereafter and therefore, the present writ petition also suffers on account of delay and laches.

18. The respondents, further contended that the pension fund is not a contributory fund i.e., no contribution is taken from the employee and therefore, has to be strictly construed; and that the Rules governing the grant of pension namely Rules 7, 20 and 22 of the Rules are still in force and are not under challenge before any Court or have been struck down as invalid and thus, only on fulfilling the conditions and criteria specified in the Pension Rules, one would become eligible for pension.



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19. In support of the aforesaid contentions, on behalf of the respondents reliance is place on the decision of the Hon'ble Supreme Court in the case of ***V.Kasturi Vs. Managing Director, State Bank of India, Bombay and Ors.*** reported in ***1998 (8) SCC 30*** and the decision of this Court in W.P.No.11947 of 2020 dated 26.09.2025.

20. Contending as above, the learned counsel for the respondents seeks for dismissal of the writ petition.

21. I have taken note of the respective contentions as urged.

22. At the outset it is be noted that the petitioner had deceased subsequent to the filing of the present writ petition and the legal representatives of the deceased filed W.M.P.No.26075 of 2021 to come on record and pursue the present writ petition, which is ordered separately.

23. Before proceeding to consider as to whether the present writ petition



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filed after a long lapse of time ie., about 18 years from the date of petitioner being discharged from service and 12 years after the said order of discharge attained finality by dismissal of the writ petition by this Court, it is felt appropriate to consider as to whether the petitioner is eligible to pension under the Pension Rules which were in force on the day when the petitioner was discharged from service ie., on 18.10.2015 so as to deal with the subject issue on merit. In order to appreciate the primary contention of the petitioner of being eligible for pension and he fulfilling the required criteria prescribed under the Pension Rules, it is necessary to refer the same in all the relevant Rules of Pension Fund Rules.

24. The term “member” is defined in Rule 2 which reads as under:-

“2(g)- “Member” means any person in the service of the Bank who has been admitted to the membership of the Fund”.

25. Rule 7 of the Rules deals with eligibility criteria for an employee of the bank to become member of fund and reads as under:-

“7. Eligibility.—

(1) Save as provided in regulation 8, every



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permanent employee in the service of the Bank, including a permanent part-time employee who is required by the Bank to work for more than six hours a week, under the terms and conditions of his service shall become a member of the Fund from- (a) the date from which he is confirmed in the service of the Bank, or (b) the date from which he may be required to become a member of the Fund under the terms and conditions of his service.

(2) Notwithstanding anything contained in sub-regulation (1) above any employee who joins the service of the Bank on or after 1st August, 2010 shall not become and shall not be entitled to become a member of the Fund.”

26. Rule 10 of the Rules provide for contribution to the fund by the bank which reads as under : -

“10. Bank’s contribution to Pension Fund – (1) The Bank shall subscribe monthly to the Fund a sum equal to ten per cent. of the salary payable by the Bank in respect of all employees who are members of the Fund: Provided that the Bank shall not subscribe for the period of such service of a member which is not to be counted as pensionable service.

(2) The amount of the Bank’s subscription thus calculated, if it contains element of paise, shall be rounded off



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to the next higher rupee.

(3) On or after the 25th January, 2012, the Bank shall cause an investigation to be made by an Actuary into the financial condition of the Fund every financial year, on the 31st day of March, and make such additional annual contributions to the Fund as may be required to secure payment of the benefits under these pension regulations.

Provided that the pension structure for different categories of pensioners shall not be varied on such actuarial investigation or valuation.”

27. Rule 11 deals with the rights of an employee to the contributions made and reads as under:-

“11. Administration of Fund property – No employee shall have any right of property in the Fund nor shall have any voice in its management unless qualified as a trustee to the each half-year.”

28. Rule 20 deals with the period of service to be reckoned for payment of pension and reads as under:-

“20. Save as provided in rule 21, with effect from 01.11.93 service rendered by an employee/member from the date of his admission to the fund upto the date of retirement in



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terms of rule 22 infra from Bank's service shall be reckoned as service for pension.”

29. Rule 21 deals with exclusions from counting of pensionable service and reads as under:-

“21 (i) No period of leave granted without leave salary or of absence without leave shall count as pensionable service. A period of suspension shall count as pensionable service only to such extent as the authority which reinstates him declares it to be pensionable at the time of reinstatement or the authority which sanctions his retirement declares it to be so at the time of according the sanction.

(ii).....”

30. Rule 22 deals with eligibility criteria to receive pension and reads as under :-

“22. Minimum service for pension.– (1) A member shall be entitled to a pension under these regulations on retiring from the Bank's service-

(a) after having completed twenty years' pensionable service provided that he has attained the age of fifty years or if he is in the service of the Bank on or after the 1st November, 1993, after having completed ten years pensionable service



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provided that he has attained the age of fifty eight years or if he is in the service of the Bank on or after the 22nd May, 1998, after having completed ten years pensionable service provided that he has attained the age of sixty years;

(b) after having completed twenty years' pensionable service, irrespective of the age he shall have attained, if he shall satisfy the authority competent to sanction his retirement by approved medical certificate or otherwise that he is incapacitated for further active service—

(c) after having completed twenty years pensionable service, irrespective of the age he shall have attained at his request in writing;

(d) after twenty five years' pensionable service.

(2).....

(3).....”

31. A conjoint reading of the definition of “member” and “eligibility criteria” prescribed under the Rules would make it clear that any person who is in service of the bank does not automatically become a member of pension fund but is required to be admitted to the membership of the pension fund. (See: Rule 2 (g)- Definition of member); and that every permanent employee including permanent part-time employee who is required to work for more than six hours a week in the



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service of bank and who is entitled to pension benefits under the terms and conditions of his service is eligible to become a member of the fund. However, such permanent employee shall become a member of the fund on the date on which he is confirmed in service of the bank (Rule 7 (a))

32. On a permanent employee being admitted to the membership of the fund by complying with the requirement prescribed under Rule 7 (a), the respondent bank shall pay monthly subscription equal to 10% of salary of all the employees who are members of the fund (See: Rule 10).

33. As per Rules, the term “pensionable service” would mean the service rendered by a member to the bank from the date of his admission to the fund upto the date of retirement from the bank’s service in terms of Rule 22. (See: Rule 20).

34. The member thus, would become eligible to receive pension under the Rules on retiring from service after having completed 20 years of pensionable service, provided that he had attained the age of 50 years or if he is in the service of bank on or after 01.11.1993, after having completed 10 years of pensionable service or after having completed 20 years of pensionable service, irrespective of



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the age he shall have attained, if such retirement is on a medical ground or incapacity or having completed 20 years of pensionable service irrespective of age at his request in writing or after 25 years of his pensionable service.

35. Though the petitioner had claimed that by excluding the period of suspension, he had completed 20 years of service and is eligible for pension as per the Pension Rules, it is to be noted that the petitioner became eligible to become a member of the pension fund only on his service being confirmed ie., with effect from 29.12.1981 and not on the date of his initial joining of the respondent bank.

36. Further, the said date of the petitioner becoming a member of the fund having been entered in service record along with his admission to the Provident Fund on the same date ie., after his service being confirmed, and the petitioner not having raised any objection to the same during his service, cannot now be allowed to raise the plea that he should be treated as becoming eligible for pension on confirmation of service from the date of his initial joining of service.

37. If the said plea of the petitioner is accepted, the petitioner ought to have raised a similar contention even in relation to his admission to the



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membership of provident fund which had also noted as from the date of confirmation of his service and not before.

38. Further, it is to be noted that the pension fund is a separate fund governed by its Rules as approved by RBI and Central Government. As Rule 7 (a) of Pension Rules specifically provides that admission to the pension fund as a member would only be from the date of service of employee being confirmed in the Bank, the petitioner cannot claim that his service is to be reckoned from the date of his initial joining into service or his initial date of joining in service is to be reckoned for counting pensionable service period.

39. Further, the term “pensionable service” also makes a reference to the date of admission of an employee as a member to the fund up to the date of retirement including discharge as per Rule 20 would only mean that it is the date of admission to the fund, till the last date excluding the period of exclusion if any as specified under Rule 21, would have to be counted in order to see as to whether the minimum period of 20 years as prescribed under Rule 22 is getting completed to be eligible for being granted pension under the Pension Rules.



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40. Admittedly, by excluding the suspension period 1 year and 10 months and also by not considering the probationary period of 6 months during which period, petitioner cannot be considered as in permanent employment and the petitioner becoming a member of the pension fund only on 29.12.1981, the petitioner did not fulfill the required criteria of having completed 20 years of pensionable service, in order to claim pension benefits.

41. Thus, it is clear that the petitioner does not fulfill the required period of having completed 20 years of pensionable service as per the Pension Rules in order to be eligible for the pension benefit.

42. Further, no material is placed on record to show that for claiming provident fund, the date of initial joining has been reckoned, while the service record shows the entry to membership only on the date of confirmation of service.

43. At this stage, this Court also should not lose the sight of the fact that the petitioner did not raise his little finger with regard to the non-grant of



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pensionary benefits till approaching the first respondent and submitting representation dated 23.10.2020 and 24.08.2021 from the date of his discharge on 18.10.2003, while he was pursuing his legal remedies against the said order which ultimately concluded on 12.01.2009. Even thereafter, the petitioner did not seek to raise the issue of being eligible for pension and not being paid and remained silent.

44. It is only after he stumbled upon the decision of this Court in ***W.A.No.1483 of 2014 - (S. Shanmugavel vs. CGM, State Bank of India)***, he chose to file the present writ petition claiming that if the initial date of joining is reckoned, he would become eligible for pension as having completed 20 years of pensionable service.

45. Firstly, it is to be noted that getting eligibility to become a member of the fund is different from actually becoming a member of the pension fund. It is only upon, becoming a member of the fund that a permanent employee would become eligible to pension subject to meeting the criteria prescribed under Rule 22. Since, the petitioner had become a member of the fund only on 29.12.1981, the said date of becoming a member cannot be preponed to an earlier date, as it is



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the Trustees of the fund who had taken a decision to admit the petitioner as a member of the fund from the said date and the petitioner having accepted the same while in service, cannot now be allowed to plead to the contrary.

46. Insofar as, the reliance placed by the petitioner on the decision of this Court in W.A.No.1483 of 2014 is concerned, it is to be noted that the decision in the aforesaid case was rendered on 16.02.2015 and the present writ petition has been filed only on 27.09.2021 ie., after a lapse of 6 ½ years after this Court rendering the aforesaid decision, which in the mean time has been carried to the Hon'ble Supreme Court and the Hon'ble Supreme Court though dismissed the SLP filed against the aforesaid decision, had observed that the question of law raised is left open. Thus, the petitioner cannot claim that the issue is no longer *res integra* to derive the benefit of aforesaid decision.

47. Further, the filing of the present writ petition by the petitioner in 2021 after being discharged from service on 18.10.2003 suffers from delay and laches as having been filed after 18 years and there is no whisper in the affidavit filed with regard to why petitioner could not approach the respondents at the



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earliest point of time and had to wait till 23.10.2020.

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48. The Apex Court in ***Bhoop Singh Vs. Union of India and others (1992) 3 SCC 136*** dealing with inordinate delay even if the person approaching Court had a case on merit, held as under:

“8. There is another aspect of the matter. Inordinate and unexplained delay or laches is by itself a ground to refuse relief to the petitioner, irrespective of the merit of his claim.”

49. Further, The Apex Court, in the case of ***C.Jacob Vs. Director of Geology (2008) 10 SCC 115***, dealing with delay and laches in service matters and also with regard to entitlement of pension had held that-

“The employee claiming pension should in the first instance fall in particular category of pension like VRS, invalid pension etc., only upon which the question of determination with reference to length of qualifying service would arise.

Further, the Apex Court also held that the stale claims can be rejected on the ground of delay alone.”



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50. The Apex Court once again in **Chennai Metropolitan Water Supply**

& Sewerage Board and others vs. T.T.Murali Babu reported in (2014) 4 SCC

108, dealing with delay and laches held :-

“16. Thus, the doctrine of delay and laches should not be lightly brushed aside. A writ court is required to weigh the explanation offered and the acceptability of the same. The court should bear in mind that it is exercising an extraordinary and equitable jurisdiction. As a constitutional court it has a duty to protect the rights of the citizens but simultaneously it is to keep itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the court at his own leisure or pleasure, the court would be under legal obligation to scrutinise whether the lis at a belated stage should be entertained or not. Be it noted, delay comes in the way of equity. In certain circumstances delay and laches may not be fatal but in most circumstances inordinate delay would only invite disaster for the litigant who knocks at the doors of the court. Delay reflects inactivity and inaction on the part of a litigant — a litigant who has forgotten the basic norms, namely, “procrastination is the greatest thief of time” and second, law does not permit one to sleep and rise like a phoenix. Delay does bring in hazard and causes injury to the lis.”



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51. Further, the Apex Court in the case of ***State of Jammu and Kashmir vs. R.K.Zalpuri and Others*** reported in ***(2015) 15 SCC 602***, also dealing with the aspect of delay and laches held as under:-

“27. The grievance agitated by the respondent did not deserve to be addressed on merits, for doctrine of delay and laches had already visited his claim like the chill of death which does not spare anyone even the one who fosters the idea and nurtures the attitude that he can sleep to avoid death and eventually proclaim “Deo gratias” - 'thanks to God'.”

52. By the aforesaid decisions, it is well settled that an Equity Court would come to the aid of person who is vigilant of his rights and claim and would not aid a litigant who is lethargic and tardy.

53. Dealing with the Rule 22 of Pensions Rules, a co-ordinate Bench of this Court in ***(M. Lalitha Vs.Chairman/Chairperson, State Bank of India & others)*** reported in ***2024 SCC OnLine Mad 4622*** dealing with Rule 22 of Pension Rules of the respondent observed as under:

‘18. For the aforementioned reasons, it is clear that the petitioner's husband has not satisfied the qualifying



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pensionable service for obtaining pension from the respondent – Bank.'

The Court by observing as above, has held as under;

'32. Since the petitioner's husband has not satisfied the requirements for grant of pension as per Rule 22 of the Pension Rules of the respondent – Bank and he is not eligible to receive pension, the decisions rendered by the Honourable Supreme court in the cases of Sheelkumar Jain and M.L.Patil, cited supra, have no applicability for the facts of the instant case, as in those cases, the petitioners therein were eligible to receive pension. '

54. A similar view is also taken by another Co-ordinate Bench of this Court in WP.No.6322 of 2020 and 6330 of 2020 wherein, an analogous provision was under consideration.”

55. Insofar as reliance placed by the petitioner on the decision of the Hon'ble Apex Court in ***Bank of Baroda Vs. S.K.Kool (D) through LRs and another (2014) 2 SCC 715*** is concerned, it is to be noted that the Hon'ble Apex Court in the aforesaid case was dealing with the terms and conditions of service of the employees governed by modified bipartite settlement and the Regulation providing for forfeiture of service and not relating to a pension fund being



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administered by the Trust having its own Rules and Regulations. Thus, reliance placed on the aforesaid decision would not advance the case of the petitioner.

56. Insofar as reliance placed on the decision of the Hon'ble Gujarat High Court in *State Bank of India Vs. Natvarlal L.Bhatti – Spl. Civil Appeal No.8528 of 2001, dated 01.08.2012*, though the aforesaid matter dealt with Rules 7, 21 and 22 of Pension Rules, the issue under consideration therein was as to whether suspension period is directed to be counted as qualifying service for the purpose of commuted pension payable to the petitioner therein. In the facts of the present case, there is no pleadings to the said effect, and the pleadings in the present case is confined only in relation to the date of admission into the pension fund. Thus, reliance on the aforesaid case would not advance the case of the petitioner.

57. Similar to the effect is the decision of Hon'ble High Court of Andhra Pradesh in the case of *V.Rama Rao Vs. Chief General Manager, State Bank of India and another* reported in *2014 Supreme (AP) 442*, which also dealt with the inclusion or the exclusion of suspension period for the purpose of counting pensionable service. As noted hereinabove, since, the petitioner did not raise any



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plea with regard to inclusion of suspension period as period for eligible for pensionable service and also taking note of the fact that no material is placed before the Court to show that during the suspension period, the respondents having paid the full salary to the petitioner, the said decision rendered is of no assistance to the case of the petitioner.

58. The aforesaid analysis, leads this Court to the following conclusions:-

(i) The petitioner did not satisfy the condition of rendering 20 years of pensionable service to be eligible for being granted pension as per the Pension Rules.

(ii) The present writ petition as filed suffers from the delay and laches.

59. In view of the above, this Court is the considered view that the present writ petition as filed is devoid of merits and also suffers on account of delay and laches.

60. Accordingly, this Writ Petition is dismissed. No order as to costs.



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27.02.2026
(¹/₂)

Speaking order / Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No
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Note : Registry is directed to issue
order copy after carrying out suitable
amendment in the main writ petition.



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To

1. The State Bank of India
Rep. By its Chief General Manager,
Local Head Office,
'Circle Top House' No.16, College Lane,
Nungambakkam, Chennai – 600 006.
2. Assistant General Manager,
Pension Provident Fund & Gratuity Department,
State Bank of India,
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T. VINOD KUMAR, J.

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Pre-delivery order made in
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27.02.2026
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