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W.P. No.27569 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2026

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THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.27569 of 2021

M.Gunasekaran
S/o.Late R.Muthu Venkatachalam,
F-2, Plot No.32, Vigneswara Dhanalakshmi
Apartments, Shakthi Nagar, 3rd Cross Street,
Pallavaram, Chennai-600 043.

..Petitioner(s)

Vs

1. Bank of Baroda,
Rep. by its Managing Director and CEO,
Baroda Corporate Centre,
C-26, GBlock, Bandra Kurla Complex,
Bandra East, Mumbai-400 051.
2. Zonal Head,
Bank of Baroda, Luz Church Road,
Mylapore, Chennai-600 004.
3. Regional Manager,
Bank of Baroda, Tiruchirappalli Region,
Regional Office, Opp. Railway Station,
III Floor, No.82, Bank Road,
Coimbatore-641 018.

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents to settle petitioner's terminal benefits by paying gratuity, pension commutation and leave encashment with interest within a time frame.

For Petitioner(s):

Mr.K.M.Ramesh
Senior Counsel
for Mr.V.Subramani



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For Respondent(s):

Mrs.Nilani Clairen
for Mr.G.Ananda Krishnan
Standing Counsel (for R1 to R3)

ORDER

The present writ petition is filed praying for a writ of Mandamus directing the respondents to settle petitioner's terminal benefits by paying gratuity, pension commutation and leave encashment with interest.

2.1. Petitioner was recruited through Banking Service Recruitment Board and allotted to Vijaya Bank. Petitioner was appointed as Clerk on 30.04.1984 at Kothagiri Branch. It is stated that petitioner belongs to Konda Rendy Community and was recruited under the Scheduled Tribe (ST) quota. According to the petitioner, at the time of recruitment, Community Certificate was duly verified. After several years, the Bank doubted the veracity of the Community Certificate and sought to initiate disciplinary action against the petitioner.

2.2. On 08.03.1994, petitioner was issued with a charge memo alleging that he had knowingly made a false statement/declaration to the effect that he belonged to ST Community while taking up employment in the respondent Bank, an act which amounted to gross misconduct under Sub-Clause (m) of Clause 19.5 of Chapter XIX of the Bipartite Settlement, 1966.



2.3. Challenging the above charge memo, a writ petition was filed in W.P.No.6703 of 1994, wherein this Court vide order dated 17.04.2001 disposed of the same directing the petitioner to submit a representation to the District Level Vigilance Committee. The District Level Vigilance Committee was directed to consider and dispose of the same, keeping the disciplinary proceedings in abeyance.

3. At this juncture, it may be relevant refer to the decision of the Supreme Court in ***Kumari Maduri Patel and another vs. Additional Commissioner, Tribal Development and others reported in (1994) 6 SCC 291***, wherein it was held that insofar as ST Community Certificate is concerned, it was found that only the State Level Vigilance Committee is competent to verify the genuineness of the Certificate and not the District Level Vigilance Committee.

4. Since, it was only the District Level Vigilance Committee which had issued the notice calling upon the petitioner, petitioner filed yet another writ petition in W.P. No.628 of 2004. During its pendency, the Division Bench of this Court vide order dated 16.04.2012 disposed of the writ petition directing the District Level Committee to forward the papers to the State Level Vigilance Committee and further directed the State Level Committee to pass orders within a period of three months after affording opportunity. In the petitioner's case, the matter was referred to the State Level Vigilance Committee on 16.04.2012, it is



close to 14 years since the above direction was issued, the State Level Vigilance Committee is yet to pass final orders regarding the status of petitioner's ST Community Certificate. In the meanwhile, petitioner superannuated on 30.06.2021. On petitioner's superannuation, the terminal benefits were settled, however, the respondent has not paid a portion of the Provident Fund and provisional pension on the premise that verification of Community Certificate has not been completed by the State Level Vigilance Committee.

5. This Court finds that in the absence of any extension being sought for completing the verification exercise before the Division Bench, the time for verification of Community Certificate by the State Level Vigilance Committee as directed by the Division Bench has already expired. In any view, this Court finds no reason why the petitioner should be deprived of the Gratuity, Leave Encashment and other terminal benefits which he is otherwise entitled only on the premise that verification of Community Certificate is pending before the State Level Vigilance Committee as stated supra for over 13 years. At this juncture, it may also be relevant to refer to a decision of the Division Bench of this Court in W.P.No.31348 of 2022 dated 08.03.2024, wherein such practice of verification after the retirement of an employee has been found to be not warranted. The relevant portions of the order reads as under:

“10. It is seen that the petitioner is 62 years old and has retired as early as on 31.05.2020. It is seen from the impugned



order that the request for verification of community certificate was sent by the 2nd respondent bank to the 1st respondent as early as on 01.12.2015 and 30.05.2017. The Vigilance Cell report was forwarded to the petitioner only in August 2021 i.e., 6 years thereafter, meanwhile the petitioner had retired from service on 31.05.2020 itself. Considering that the petitioner has retired from service and she is aged about 62 years and further considering that the 1st respondent has proceeded lethargically in verifying the communal status of the petitioner, we are not inclined to remand the matter to the 1st respondent for fresh verification. In our view an order of remand would only result in further harassment of the petitioner who is 62 years of age. We are of the view that the damocles sword of verification of community certificate should not hang on the petitioner's head post retirement. We therefore set aside the order of the 1st respondent and we further direct the 2nd respondent bank to settle the pension, gratuity, earned leave encashment and other admissible pensionary benefits to the petitioner along with arrears etc."

6. In that view of the matter, the respondents are directed to settle the terminal benefits of gratuity, pension commutation and leave encashment with interest, if any, which petitioner is entitled to, in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order.



7. Accordingly, the writ petition stands disposed of. No costs.

Consequently, the connected miscellaneous petitions are closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MKA



To:

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Bank of Baroda,
Baroda Corporate Centre,
C-26, GBlock, Bandra Kurla Complex,
Bandra East, Mumbai-400 051.

2. Zonal Head,
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MOHAMMED SHAFFIQ J.

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