



W.A(MD) No.1993 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 23.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

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and

C.M.P.(MD)No.11448 of 2025

1.The General Manager (HRM),
Indian Bank,
CO/HRM Department,
Avvai Shanmugam Salai,
Chennai-600 014.

2.The Branch Manager,
Indian Bank,
Madurai Main Branch,
Madurai.

... Appellants / Respondents

Vs.

S.Nagajothi

... Respondent / Petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order passed in W.P.(MD)No.14093 of 2023, dated 24.02.2025 passed by this Court and to allow the writ appeal in favour of the appellants.

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For Appellant : Mr.C.Karthik

For Respondents : Mr.Veeravel Pandian

JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

The Management of the Indian Bank has filed this writ appeal questioning the order dated 24.02.2025 passed by the learned single Judge allowing W.P.(MD)No.14093 of 2023 filed by the respondent herein.

2. The respondent's husband was an employee of the appellant bank. He was compulsorily retired on 28.02.2007. The bank issued a special scheme even for the compulsorily retired employees giving them an option to join in the pension scheme. In other words, they were given the choice of migrating from the provident fund scheme. One condition was that an employee exercising the option must refund the Bank's Contribution with accrued interest. The cut off date was also prescribed. Unfortunately, the writ petitioner's husband did not exercise the option



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within the said cut off date. Subsequently, when the writ petitioner approached the bank to enable her to exercise the option, it was rejected vide order dated 30.11.2021 by the first appellant. Challenging the same, W.P.(MD)No.14093 of 2023 was filed. The learned single Judge allowed the writ petition in the following terms:-

“12. For the aforesaid reasons, this writ petition is allowed with the following directions:

1. The impugned letter of the first respondent, dated 30.11.2021 is hereby quashed.

2. The first respondent is directed to permit the petitioner to remit the provident fund amount received by her husband with interest to the respondent Bank to enable to join the family pension scheme in accordance with the nomination made by her deceased husband and grant family pension and other benefits to the petitioner.

3. The respondent bank shall inform the petitioner about the quantum of the amount to be remitted for this purpose to the respondent bank within a period of two weeks from the date of receipt of a copy of this order.

4. On remittance of the said amount, the respondents shall take further steps to pay family pension to the petitioner within a period of four weeks thereafter.”

Aggrieved by the same, this writ appeal has been filed.



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3. The learned counsel appearing for the bank reiterated all the contentions set out in the grounds of appeal. He pointed out that the scheme itself had lapsed and therefore the question of enabling the writ petitioner to migrate at this point of time will not arise at all. He also expressed his apprehension that this would open floodgates.

4. We are of the view that such apprehension is not well founded because the learned single Judge issued the direction by considering the special facts and circumstances obtaining in this case. The writ petitioner's husband was suffering from cancer during the relevant point of time and that is why, he was not able to exercise the option. The law will not compel the performance of something impossible. Under special and unique circumstances, relief came to be granted. We do not want to interfere with such an equitable order. After giving our anxious consideration to the contentions advanced by the learned counsel appearing for the Bank, we further clarify that the order of the learned single Judge would not constitute a precedent.



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WEB COPY 5. The Writ Appeal is dismissed. No costs. Consequently,
connected miscellaneous petition is closed.

(G.R.S., J.) (K.R.S., J.)
23.07.2025

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