

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

WA.No. 612 of 2012 () IN WP(C).8781/2006

**AGAINST THE ORDER/JUDGMENT IN WP(C) 8781/2006 of HIGH COURT OF KERALA
DATED 01-12-2011**

APPELLANT(S)/PETITIONERS:

- 1. JACOB MATHEW
PARACKAL, VII/332, MANGANAM P.O.
KOTTAYAM-686018.(ASST. MANAGER).**
- 2. J. RAMESH KAMATH
BALAJI HOUSE, THOTTUMUGHOM P.O.
ALUVA-05.(ASST.MANAGER)**
- 3. CHARU ARAKKAL
UPAHAR, VALLIKUNNU NORTH P.O., KADALUNDI NAGARAM
MALAPPURAM-673334 (AAO).**
- 4. UNNIKRISHNAN M.D.
MADATHIL, RAINBOW GARDENS, PUTHUR
PALAKKAD-678001.**
- 5. N.S. NARAYANAN
49/9, FIRST FLOOR, WEST OF PERANDOOR TEMPLE
ELAMAKKARA KOCHI-682026 (AO).**
- 6. P. GOPINATHAN NAIR
SRUTHI, CHANDROTH WEST, AZHIKODE
KANNUR-670009(DEPUTY MANAGER).**
- 7. JASEENTHA P.H.
KAIRALI BHAVAN, CHEMMAKKAD P.O., KOLLAM-691603 (AO).**
- 8. M.K. RADHAMMA
MEETHAL HOUSE, AZHIYOOR P.O., (VIA) VADAKARA
KOZHIKODE-09 (SR. ASST.).**
- 9. J.W. ASTHIND MACHADO
T.C.22/1274, MANAMOOOLA, THIRUVANANTHAPURAM (AAO).**

10. P.P. RETNAPRABHA
KARTHIKA, MUTTAMBALAM P.O., KOTTAYAM (SR. ASST.)
11. K.P. SASIDHARA MENON
KRISHNAMASRAYE, AROOR P.O., ALALPPUZHA-688534 (ASST).
12. G.R. THANKAMANI
SITHARA, 28/786, CHERUPARAMBATH ROAD
KADAVANTHARA P.O, KOCHI-20 (ADMN. OFFICER).
13. C.S. RAMACHANDRAN
CHEMBAKASSERY HOUSE, TEMPLE ROAD, PAZHUVIL WEST P.O.
THRISSUR-680564(ASST.)
14. E. ETHOMAS
EDAKULATHUR HOUSE, ST. JOSEPH'S STREET, KURIYACHIRA
THRISSUR-680006(ST. ASST.)
15. A.T. KRISHNAN
ALAMTHARA HOUSE, KUMBALANGI SOUTH P.O.
KOCHI-17 (ASST.)
16. K.V. YACOB
KOTTAPPURATHU, X/89, 1ST MILE
PERUMBAVOOR-683542 (DEPUTY MANAGER).
17. P.G. MURALI
12/923, KRISHNA BHAVANAMA, OPP. MILMA PLANT
KALLEPULLY PO., PALAKKAD-678005.
18. R. RAMANUNNI
RAGAM, PALAPPURAM P.O., OTTAPALAM
PALAKKAD-679103.
19. M.V. KUMAR
AISWARYA, PRASANTHI NAGAR, KALLEKULANGARA P.O.
PALAKKAD-678009.
20. P.V. ALEX
28/1685, ST. JOSEPH'S CHURCH ROAD, KADAVANTHRA
KOCHI-20 (ASST. MANAGER).
21. ABRAHAM C. JOHN
COCHETT HOUSE, THAZHATHANGADY P.O.
KOTTAYAM (ASST. MANAGER).
22. V. NARAYANAN
SREEPADMAM, IX/660, THARANAGAR
CHANDRANAGAR P.O., PALAKKAD-678007.
23. M. RADHAKRISHNAN
ANOOR, MANGAD, KALLIASSERY P.O.
KANNUR-670562(SENIOR ASSISTANT).

24. R. RAVINDRANATHA PRABHU
NEAR SLN TEMEPLE, MM ROAD
THALASSERY-670101 (ASST. MANAGER).
25. R. RANGA NAIK
TC 68/350, KAVITHA, THIRUVALLAM P.O.
THIRUVANANTHAPURAM-695 027. (AAO)
26. K.K. AMMINI
HILLVIEW HOUSE, OPP. GOVT. U.P. SCHOOL, NOCHIMA
N.A.D.P.O., ALUVA-683563 (ADMINISTRATIVE. OFFICER).
27. C. SREEDHARAN
SIVA KRIPA, NEAR AKLIYATH TEMPLE
AZHIKODE KANNUR -670009 (ADMINISTRATIVE OFFICER).
28. T.R. HARIHARAN
22/153, PARVATHI NIVAS, THIRUMILLAI VILLAGE
PALAKKAD-678020.
29. SALINI A.G.
UNNECHAN PARAMBIL HOUSE, AZAD ROAD
KALOOR KOCHI-17 (SR. ASST.)
30. P. KANAKALATHA MENON
VAISALI, PULIKKAZHATH HOUSE, MUKKOTTIL TEMPLE ROAD
POONITHUR P.O., KOCHI-04 (AAO).
31. K.I. MATHAI
KADATHANDARA HOUSE, VALLAMKULAM WEST P.O.
THIRUVALLA (AO).
32. M.K. SEYD MOHAMMED
MATHILAKATHUVEETHIL, X/213, KAIPAMANGALAM P.O
THRISSUR-680681 (SR. ASST.)
33. N. RAJEEVA MOHAN
NIRANJANA, PUZHAKALTHARA, CHINMAYA NAGAR
KOLLENGODE-678506 (SR. ASST.)
34. K. BABU
PANCHAJANYAM, CHEVARAMBALAM P.O.
KOZHIKOD 673017 (ASST.)
35. P.K. BALAKRISHNAN
28/3848B, POTTAMMAL, NELLIKODE P.O.-673016 (A.O.)
36. C. BHASKARAN
SOWPARNIKA, PANICKER COLONY, VENNAKKARA
PALAKKAD (SR. ASST)
37. SWARNA MOHANAKRISHNAN
NO.90, A.G'S LAYOUR, 4TH CROSS,
NEW BEL ROAD, BANGALORE-560054 (AAO).

38. K.S. RAJAN
PATARI, KADAVATH HOUSE, AMEPARAMBU
N. PARAVOOR-683513.(AO)
39. T.C. JOSE
S/O LATE T.V. CHAKKU, THANIKKAL KODNKANDATH HOUSE
ST. JOSEPH'S STREET, ARANATTUKARA
THRISSUR-680618 (ASST.)
40. P.K. GOKULA DAS
GOKULAM, MELUR P.O., PANAMANA
THRISSUR DT.
41. C. KRISHNANKUTTY
LAVANYA, PERINGAMMALA, KALLIYOOR P.O.
THIRUVANANTHAPURAM (ADMN. OFFICER).
42. S. SANKARANARAYANAN
SRAMBIKKAL HOUSE, CHUNANGAD P.O., OTTAPALAM.
43. P.V. JOHN
PADINJARAYIL HOUSE, PUTHUPANAM P.O.
VADAKARA-673105 (SENIOR ASSISTANT).
44. A. RADHAKRISHNAN
BRINDAVAN, KARUVANNURTHARA, KODUVAYOOR
PALAKKAD (SR. ASST,)
45. P.V. GEORGE
PARAMBAKATH HOUSE, ASOKAPURAM P.O.
ALUVA-683101 (SR. ASST.)
46. USHA CHANDRASEKHARAN A.M.
SUBIKSHA, T.C.17/1548-1, CHENGALLOR ROAD
POOJAPPURA
THIRUVANANTHAPURAM-695012 (ASST. MANAGER).
47. K. ANANTHASUBRAMANIAM
TC40/640, ANAVAL STREET
THIRUVANANTHAPURAM-695009. (SR. ASST.)
48. K.T. MATHAI
KALARICKAL, TC10/1735, KARAVALLOR LANE
VATTIYOORKAVU
THIRUVANANTHAPURAM -695013 (ADMN OFFICER).
49. B. SIVARAMAN
T.C.55/2010, PARVATHI NIVAS, RAM NAGAR COLONY
PAPPANAMCODE, THIRUVANANTHAPURAM-15 (SR. ASST.)
50. M. MUSTHAFA
ZYRM MAHAL, ARAKKINAR, BEYPORE PANCHAYAT
KOZHIKODE-673028 (SR. ASST.)

51. M. RETNAVENI
SMITHA, 5/1897, NEAR SV COLONY
KOZHIKODE -673006 (SR. ASST.)
52. K.T. JOSE
ROSE VILLA, 1/4314, PEOPLES ROAD
ERNHIPALAM P.O.
KOZHIKODE 673006. (ASST. ADMN. OFFICER)
53. M.V. RAMADAS
REVATHY, 28/3149A, PUTHIYA PARAMBA
NELLODE P.O., KOZHIKODE-673016.(ASST.)
54. T.P. HYMAVATHY
AKASH APARTMENTS, B2, UDAYA NAGAR
KATHRIKADAVU, KALOOR, KOCHI-17(SR. ASST.)
55. M.P. VIJAYAN
SREE LAKSHMI, THEKKUMBHAGOM, THRIPIUNITHURA (SR. ASST.)
56. SMT. MARGARET POULOSE
204 FARAH GREEN, 10 EAGLE STREET, LANGFORD TOWN
BANGALORE-560025 (DY. MANAGER).
57. A.C. UNNIKRIISHNANA,
E 1005, MATHA AMRITHANANDAMAYI MAT, AMRITHA PURI
VALLIKKAVU, KOLLAM (DEPUTY MANAGER).
58. PRABHA JAYARAM
W/O N, JAYARAM VADHYAR, FLAT NO.F-2
KAUSHIKAM, DOOR NO.41/1044 C-I, VEEKSHANAM ROAD
KOCHI-682 018.(ADMINISTRATIVE OFFICER).
59. SARASWATHY RAJARAM
SOORYA, MADAMBIL LANE, POOTHOLE WEST FORT
THRISSUR-680004. (SR. ASST.)
60. K. SIVADAS
SAKETHAM, KAVIL HOUSE, KOTTAPPADY
THRISSUR DISTRICT (AO)
61. VARGHESE V. KANDAMKULATHY
NEAR S.N. HALL, R.S. ROAD, IRINJALAKUDA-680121 (A.O.).
62. E.T. VARGHESE
EMMATY HOUSE, CHEROOR P.O.
THRISSUR-680004. (SR. ASST.)
63. P. VIJAYALEKSHMY AMMA
BROTHERS BUNGALOW, MARUTHORVATTOM P.O.
CHERTHALA (SR. ASST.)
64. GRACY PETERS
VADUTHALA GRACE VILLA, OMALLUR P.O.
PATHANAMTHITTA -689647 (ASST. MANAGER).

65. M.B. SHANBHOGUE
4H, 80 D LAND LINKS, DERE BAIL
KANCHADY, MANGALORE-575008.(A.O.)

BY ADVS.SRI.SANTHOSH MATHEW
SRI.SATHISH NINAN
SRI.ARUN THOMAS
SRI.JENNIS STEPHEN

RESPONDENT(S)/RESPONDENTS:

1. UNION OF INDIA
REPRESENTED BY THE SECRETARY
MINISTRY OF FINANCE (DEPARTMENT OF ECONOMIC AFFAIRS)
INSURANCE DIVISION, NEW DELHI.

2. UNITED INDIA INSURANCE COMPANY LIMITED
REGISTERED OFFICE & HEAD OFFICE 24, WHITES ROAD
CHENNAI-600014
REPRESENTED BY ITS CHAIRMAN & MANAGING DIRECTOR.

R1 BY ADV. SRI.P.PARAMESWARAN NAIR,ASG OF INDIA
R2 BY ADV. SRI.N.NANDAKUMARA MENON (SR.)
R2 BY ADV. SRI.P.K.MANOJKUMAR

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 23-01-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WA NO.612/12

APPENDIX

APPELLANT'S EXHIBITS

ANNEXURE 1: PHOTOCOPY OF THE JUDGMENT OF THE HIGH
COURT OF HIMACHAL PRADESH IN CWP NO.189 OF 2006.

//True Copy//

PA to Judge

Rp

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.
=====

Writ Appeal No. 612 of 2012
=====

Dated this the 23rd day of January, 2015

J U D G M E N T

Antony Dominic, J.

The appellants were employees of the 2nd respondent, United Insurance Company Limited. Exts.P2 and P2(a) are the scheme for voluntary retirement introduced by the Government of India for the employees in the insurance sector. The appellants applied for the benefit of the scheme and availed of the same. On that basis, they voluntarily retired from service during February and March 2004. Subsequently, revision of scale of pay and other benefits were introduced in the insurance sector by Exts.P4 and P4(a). That was with effect from 1/8/2002. Appellants claimed the benefit of Exts.P4 and P4(a). That was turned down and it was thereupon that they filed WP(C) No.8781/06. By the judgment under appeal, the learned single Judge dismissed the writ petition and in this appeal, the said judgment is under challenge.

2. When the appeal was taken up for hearing, learned counsel for the 2nd respondent company brought to our notice the judgment of the Apex Court in ***Manojbhai N. Shah & Ors. v.***

Union of India (CDJ 2015 SC 011), where, orders rejecting similar claims were upheld by the Apex Court. In the light of the above judgment, the claim of the appellants is only to be rejected.

The appeal lacks merit and is dismissed.

Sd/-
**ANTONY DOMINIC
JUDGE**

Sd/-
**ALEXANDER THOMAS
JUDGE**

Rp

//True Copy//

PA to Judge