

In the High Court of Judicature at Madras

Dated: 01.04.2015

Coram:

The Honourable Mr. SANJAY KISHAN KAUL, Chief Justice
and
The Honourable Mr. Justice M.M. SUNDRESH

Writ Appeal Nos.2874 of 2012
and 176 of 2013

1. A.S. Raghavan
2. V. Soundararajan
3. V. Ganesan
4. V. Panchapakesan
5. V. Athmanathan
6. N. Jayaraman
7. V.N. Govindarajan
8. T.A.Kalyana Sundaram
9. R. Ramachandran
10. T.A. Savariraj
11. P. Balakrishnan
12. S. Chelladurai
13. S. Ramanathan
14. S. Selvaraj
15. I.L. Nagabushanam
16. D. Soundarajan
17. S. Narayanan
18. N. Viruthagiri
19. A. Swamidoss
20. R. Venkatachalapathy
21. S. Swaminathan
22. M. Balasubramaniam
23. T. Krishnamurthy

सत्यमेव जयते..

Appellants in
W.A. No.2874 of 2012

1. A. Sivagami
2. K. Rajammal
3. Ameerunnisa
4. K. Rahimaa Bee
5. R. Padmavathi
6. V. Santha
7. Nallammal
8. Manimekalai
9. S. Rani
10. Sellammal

.. Appellants in
W.A. No.176 of 2013

vs.

1. The Chief Executive
(Ex Officio Member Secretary of the
Shareholders and Staff Welfare Fund)
Southern Railway Employees Co-op. Credit
Society Ltd.
No.1, Dindigul Road
Tiruchirapalli - 620 001.
 2. The Insurance Ombudsman
4th Floor, Fathima Akthar Court
New No.453, Annasalai
Chennai 600 018.
 3. The Branch Manager
Life Insurance Corporation of India
Gandhiji Road
Thanjavur, Thanjavur District.
 4. Life Insurance Corporation of India
rep. by its Regional Manager
P & GS Department
South Zonal Office, LIC Buildings
Anna Salai, Chennai 600 002.
- ... Respondents in
both writ appeals

PRAYER: Writ Appeals filed under Clause 15 of the Letters Patent, against the order dated 17.08.2011 passed by the learned Single Judge, in Writ Petition No.26396 of 2005 on the file of this Court.

Prayer in W.P.No.26396 of 2005:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the Respondents 2 & 3 to refund to the petitioner an amount of Rs.40 Lakhs standing to the Credit of the Petitioner's Policy with interest at the rate of 15% per annum with effect from 1.11.2001 and award cost.

For Appellants : Mr. V. Ananthakrishnan
for Mr. S. Sathiamurthi

For Respondents: Mr. S. Ayyathurai for R1
Mr. M.B. Gopalan for R3 & R4

COMMON JUDGMENT

(Delivered by The Hon'ble The Chief Justice)

We have heard the learned counsel for the parties at length and our endeavour is to find out a solution, especially taking into consideration the fact that the appellants before us are pensioners. The Pension Scheme unfortunately came to an end on account of the reluctance of the current employees to contribute to the Scheme, which was the very premise of the Scheme. The net corpus was returned by the Life Insurance Corporation of India/fourth respondent to the first respondent and as per the learned counsel for the first respondent, the amount has been further distributed depending on the contribution made by the employees. He further states that an amount of Rs.5,92,013/- is still lying with the first respondent, as unclaimed amount, due to removal from service, voluntary retirement service and death. On our query, learned counsel for the said respondent is not able to point out as to whether any such claim has been made or any surviving employee would be entitled to such benefit.

2. Learned counsel for the appellants states that the appellants would be satisfied if at least this amount is distributed amongst the appellants and all other similarly situated persons.

3. We consider the aforesaid as fair solution of the dispute. We, thus, direct as under:

1. The first respondent will verify whether any claims are pending or likely to arise on account of removal from service, voluntary retirement service and death;
2. If the answer to the first is in the positive, then that portion of the amount be kept separate or otherwise the whole amount be distributed equitably amongst the appellants and similarly situated persons;
3. The aforesaid exercise be undertaken within a maximum period of three months of the communication of the order.

4. The appeals accordingly stand disposed of. No costs.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

ATR

To

1. The Chief Executive
(Ex Officio Member Secretary of the
Shareholders and Staff Welfare Fund)
Southern Railway Employees Co-op. Credit
Society Ltd.
No.1, Dindigul Road
Tiruchirapalli - 620 001.
2. The Insurance Ombudsman
4th Floor, Fathima Akthar Court
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Chennai 600 018.
3. The Branch Manager
Life Insurance Corporation of India
Gandhiji Road
Thanjavur, Thanjavur District.
4. The Regional Manager
Life Insurance Corporation of India
P & GS Department
South Zonal Office, LIC Buildings
Anna Salai, Chennai 600 002.

1 cc to Mr.M.B. Gopalan, Advocate, sr. 18663

1 cc to Mr.S. Sathiamurthi, Advocate, Sr. 18631

W.A. Nos. 2874 of 2012 & 176 of 2013

सत्यमेव जयते

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kk 7/4

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