

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.26513 of 2017

S.Seshadri

.. Petitioner

-vs-

1. Chairman-cum-Managing Director
United India Insurance Company Limited
Head Office: No.24, Whites Road
Chennai 600 014
2. General Manager
Personnel Department
United India Insurance Company Limited
Head Office: No.24, Whites Road
Chennai 600 014
3. Chief Executive
General Insurance Public Sector
Association of India
GIPSA, 3rd Floor
Jeevan Tara Building, Sansad Marg
New Delhi 110 001
4. Secretary
Ministry of Finance
Department of Economic Affairs
Insurance Division, 'A' Wing
2nd Floor, Lok Nayak Bhavan
Khan Market, New Delhi 110 003
5. Secretary (Financial Sector)
Insurance Division, Jeevan Deep Building
Department of Economic Affairs
Sansad Marg, New Delhi 110 001

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to consider the representation dated 6.7.2017 and direct the respondents by treating the petitioner as a person voluntarily retired in terms of the Pension Scheme 1995 by working out the amount payable to the petitioner in terms of

Para 3(1)(c) of the General Insurance Employees Pension Scheme after levying interest at 6% from 23.6.1992 from the date of pension due to the petitioner after adjusting the same on the amount outstanding from the petitioner to the first respondent in terms of General Insurance Employees Pension Scheme 1995 by treating the petitioner as a voluntarily retired in terms of clause 22 and 30 of the scheme and allowing pension in terms of the orders rendered by the Supreme Court in CA No.6013/11 dated 28.7.2011 and in Review Application No.128/2012 in W.P.No.2905/1996 by the order dated 7.11.2013 as confirmed in SLP No.15239/2014 dated 11.7.2014.

For Petitioner:: Mr.K.Moorthy

For Respondents:: Mr.K.Raju
Central Government Standing
Counsel for R4

ORDER

This writ petition has been wrongly filed with a huge and unexplained delay of 25 years. Learned counsel for the petitioner submitted that although the petitioner had voluntarily given up his service after serving 30 days notice in accordance with sub-para (1) of para 5 of the 1976 scheme in the year 1992 and he was also permitted to retire from service with effect from 23.6.92, subsequently, since a new scheme was introduced in the year 1995 granting pensionary benefits to employees who had rendered service in the insurance companies, the petitioner should be extended a similar benefit. In this regard, the petitioner has given a representation to extend the pensionary benefits to him, in terms of paragraph 3(1)(c) of the General Insurance Employees Pension Scheme, 1995, after levying interest at 6% from 23.6.92 from the date of pension due to the petitioner, after adjusting the same on the amount outstanding from the petitioner, by treating him as a person who has voluntarily retired in terms of clauses 22 and 30 of the 1995 scheme, since the respondents are not entitled to forfeit his past services. In fact, the Hon'ble Supreme Court in the case of Sheelkumar Jain v. New India Assurance Company Limited and others, (2011) 11 SCC 197, while dealing with para 30 of the General Insurance (Employees) Pension Scheme, 1995, has extended the benefit to a similarly placed person. Therefore, the petitioner's representation deserves to be considered by the respondents, he pleaded.

2. But this Court is not inclined to entertain the writ petition. Petitioner took VRS on 23.6.1992. Three years later the scheme was introduced, hence, the same cannot be made applicable to the case of the petitioner. The reason is that by the time the scheme was introduced on 28.6.95, three years

lapsed after the petitioner voluntarily gave up his service. Therefore, the petitioner cannot rake up this issue after a lapse of 25 long years. Hence, the writ petition is dismissed on the ground of delay and laches. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

ss

To

1. The Chairman-cum-Managing Director
United India Insurance Company Limited
Head Office: No.24, Whites Road
Chennai 600 014
2. The General Manager
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Insurance Division, Jeevan Deep Building
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Sansad Marg
New Delhi 110 001

+ 1 cc to Mr.K.Moorthy, Advocate,SR.72944
+ 1 cc to M/s.K.Raju, Advocate,SR.72958

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NR 09/11/2017