

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

The Hon'ble Sri Justice V. RAMASUBRAMANIAN
and
The Hon'ble Sri Justice M. GANGA RAO

WRIT APPEAL No.598 OF 2017

Between:

The Chairman, United India Insurance Company Limited,
Head office, Chennai and another

...Appellants

Vs.

Mr. P. Bala Bhaskar S/o. Bala Seshu,
Retired, R/o. 18-3-53/ A6, Santhi Nagar,
Near Oasis English Medium High School,
Tirupathi, Chittoor District.

... Respondent

For Appellants : Ms.V. Uma Devi

For Respondents : Sri Akella Snivasa Rao



HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON' BLE SRI JUSTICE M. GANGA RAO

WRIT APPEAL No.598 OF 2017

JUDGMENT: (per V. Ramasubramanian, J)

The United India Insurance Company has come up with the above writ appeal challenging an order of the learned single Judge, allowing the writ petition filed by the respondent.

2. Heard Ms.V. Uma Devi, learned counsel for the appellants and Sri A. Srinivasa Rao, leaned counsel for the respondent.

3. The respondent joined service as Assistant in the appellant Corporation way back in the year 1985. When a scheme for Special Voluntary Retirement was floated by the Corporation in the year 2004, the appellant submitted a representation on 30.01.2006. The representation was accepted and he was allowed to go on voluntary retirement.

4. On the ground that the scheme did not provide for pension, the Corporation refused to pay pension. But, the respondent filed a writ petition in W.P. No.17894 of 2007, claiming that in terms of paragraph-6 of the General Insurance Employees' Special Voluntary Retirement Scheme, 2004, he was entitled to pension and commuted pension. Then the writ petition was allowed *ex parte* by the learned Judge forcing the Corporation to come up with the above appeal.

5. The main grievance of the learned counsel for the appellants are two fold, namely, (a) her name was not printed in the cause list on the day when the matter was taken up for hearing and (b) that despite a counter having already been filed, the learned Judge proceeded on the basis that no counter had been filed. Both the above grievances appear

to be squarely justified. It is admitted by the learned counsel for the respondent that a counter had already been filed. The cause list for the day shows that the name of the counsel for the appellants was not printed. Therefore, the matter requires reconsideration by the learned single Judge.

6. Hence, the Writ Appeal is allowed and the impugned order is set aside and the writ petition is remanded back to the learned single Judge for fresh disposal. The writ petition may be posted before the learned Judge having roster to deal with the writ petition and an endeavour may be made to list the writ petition for final disposal within a month.

7. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.



V. RAMASUBRAMANIAN, J

M. GANGA RAO, J

October 31, 2017

KTL