

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8415 OF 2019

Smt.Meera Ramniwas Varshney ... Petitioner
V/s.
M/s Cigna TTK Heath Insurance Company
Limited and anr. ... Respondents

Ms.Purva Jain i/by M/s V.K.Dubey Associates, Advocate for
the Petitioner.

Mr.Vishal S. Shriyan, Advocate for Respondent No.1.

**CORAM : UJJAL BHUYAN, J.
DATE : NOVEMBER 20, 2019.**

P.C.:-

1. Heard Ms.Purva Jain, learned counsel for the petitioner; and Mr.V.S.Shriyan, learned counsel for respondent No.1.
2. This petition has been filed under Article 226 of the Constitution of India seeking a direction to respondent No.1 to release all the terminal benefits of the son of the petitioner to her.
3. Case of the petitioner is that she is the mother of Ankur Varshney who worked with respondent No.1 as a Senior Unit Manager since the year 2014.

4. While filling up the employment details at the time of entry into service of respondent No.1, the son had nominated his mother i.e. petitioner as his nominee in respect of all claims and benefits of his employment. It may be mentioned that the son got married with respondent No.2 on 11th November, 2014, prior to joining service with respondent No.1.

5. Be that as it may, the son met with an unfortunate accident on 3rd December, 2017 and died on the spot.

6. Petitioner thereafter lodged claim before respondent No.1 for release of all terminal benefits. According to the petitioner, respondent No.1 is in the process of finalising the entitlement of the petitioner, but at this stage respondent No.2 has lodged counter-claim before respondent No.1 claiming that terminal benefits may be paid to her as well.

7. With the grievance that respondent No.2 is not entitled to the terminal benefits of her deceased son, present writ petition has been filed by the petitioner seeking the relief as indicated above.

8. There is no averment in the writ petition to show that respondent No.1 is either a “State” under Article 12 of the Constitution of India or an “Authority” under Article 226 of the Constitution of India. In the absence of such pleadings question of issuing any direction to respondent No.1 may not arise.

9. At this stage, learned counsel for respondent No.1 submits that respondent No.1 is a completely private entity and therefore is outside the ambit of writ jurisdiction. That apart, grievance of the petitioner also appears to be premature at this stage.

10. In such circumstances, court is of the view that the writ petition filed is not maintainable. However, petitioner is given liberty to approach the appropriate forum for redressal of her grievance, if so advised.

11. With the above liberty, writ petition is disposed of.

(UJJAL BHUYAN, J.)

....