

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2019

CORAM:

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

W.P.NO.31618 OF 2004
AND WPMP NO.38316 OF 2004

K.Prakash

... Petitioner

Vs.

- 1.Best and Crompton Eng. Ltd.,
Represented by its Executive Officer
41, Venkatanarayana Road,
T.Nagar, Chennai - 600 017.
 - 2.Best and Crompton Eng. Ltd.,
Officers Superannuation Scheme
Managed by Trustee M.Anantha Padmanaban
41, Venkatanarayana Road,
T.Nagar, Chennai - 600 017.
 - 3.The Life Insurance of Corporation of India
Pension and Group Scheme Departments
102, LIC Building,
Anna Salai,
Chennai - 600 002.
 - 4.The Official Liquidator
High Court, Madras.
(R4 suo motu impleaded vide order dated
21.03.2019 made in W.P.No.31618/2004)
- Respondents

...

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the first respondent to pay the total acquired benefit to the 3rd respondent under the defined benefit scheme and also the 15% of pay contributed upto the date of resignation of the petitioner to the third respondent as per the pension scheme in place from 01.10.1999 payable under defined contribution scheme and consequently direct the first and third respondents to pay pension arrears thereof, together with interest and third

respondent future pensions to the petitioner.

For Petitioner : Mr.A.Nagarathinam

For Respondents
1 and 2 : No appearance

For Respondent 3 : Mr.M.B.Raghavan

For Respondent 4 : Mr.M.Dhamodaran

O R D E R

The first respondent company introduced a Pension Scheme, as per which, the persons who have contributed 15% of their salary, till they attain the age of superannuation on 58 years, are entitled to the pension benefits. However, during the pendency of the writ petition, the first respondent company was wound up and an Official Liquidator was appointed. The Official Liquidator is also impleaded as a party. If at all the petitioner has any grievance, he shall work out the same before the Official Liquidator. The petitioner has to make a claim statement before the fourth respondent seeking preference in disbursement of money.

2. In similar circumstances, the writ petition filed by another individual for the very same relief in W.P.No.25665 of 2007 was dismissed by this Court on 06.03.2012 on the ground that the issue is covered by a Scheme framed by the first respondent company and thus, the writ petition was not maintainable.

3. However, without going into these issues, disposed of giving liberty to the petitioner to work out his remedy before the fourth respondent.

4. The writ petition is disposed of with the above observation and direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)
Sub Assistant Registrar

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TK

To

1.The Life Insurance of Corporation of India
Pension and Group Scheme Departments
102, LIC Building,
Anna Salai,
Chennai - 600 002.

2.The Official Liquidator
High Court, Madras.

+1cc to Mr.B.Gopalan , Advocate SR.No. 10278
+1cc to Mr.A.Nagarathinam , Advocate SR.No. 10247
+1cc to Mr.M.Dhamodaran , Advocate SR.No. 102470

W.P.NO.31618 OF 2004

A.SK(27/01/2020)



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