

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.25444 of 2019

S. Jeyaram

5, Abilash Apartments,
97, Panchaliamman Koil Street,
Arumbakkam, Chennai- 600 106.

...Petitioner

vs

1. Regional Manager,
The Oriental Insurance Company Limited,
Regional Office,
U.I.L. Building, IV Floor,
No.4, Esplanade,
Chennai- 600 108.

2. The Deputy General Manager,
The Oriental Insurance Company Limited,
U.I.L Building, IV Floor,
No.4 Esplanade,
Chennai- 600 108.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or any other Writ or Order or Direction in the nature of a writ directing the respondents herein to consider the Form-II submitted to the respondents vide application dated 20.06.2019 under the General Insurance (Employee's) Pension Scheme, 1995 in light of Hon'ble Supreme Court decision in National Insurance Company Limited and Another Vs. Kirpal Singh (2014) 5 Supreme Court Cases 189 and Indian Bank and Another Vs. N. Venkatramani in Civil Appeal No. 3989 of 2007, decided on 30.08.2007 arising out of SLP (Civil) No. 19062 of 2005) within a time frame that may be fixed by this Hon'ble Court and pass orders.

For Petitioner : Mr. Raja Saravanan

O R D E R

The case of the petitioner is that the petitioner is an ex-employee of the respondents company. He opted the Special Voluntary Retirement Scheme offered by the respondent company and voluntarily retired from the service of the respondent company on 15.03.2004 and the petitioner had 19 years and 7 months of completed years service. During his tenure in the respondent company Ex-gratia payment was offered under the General Insurance Employee's Special Voluntary Retirement Scheme, 2003. The respondent company now made amendment by way of General Insurance (Employees') Pension Amendment Scheme, 2019 in the pension scheme and required to submit form-II as per the Scheme. The petitioner submitted Form-II by opting for pension on 20.06.2019 as per the new amendment scheme and the 1st respondent vide letter dated 09.07.2019, returned the petitioner's option forms and stated that the petitioner is not eligible for option for pension under the General Insurance (Employees') Pension Amendment Scheme, 2019. Without following the procedure and as per the decision of the Apex Court they simply rejected the request of the petitioner. Hence, the present Writ Petition is filed with the above said prayer.

2. The learned counsel for the petitioner would submit that it would be suffice to issue direction to the respondent to pass orders on the Form submitted by the petitioner within a reasonable time.

3. Considering the facts and circumstances of the case, the petitioner is permitted to submit the required Form II to the respondent and on receipt of the Form, the respondent is directed to pass appropriate orders in accordance with law and as per the scheme within a period of twelve (12) weeks from the date of receipt of copy of this order. However I am not expressing any opinion on the merits of the case. I am not inclined to issue any positive direction to the petitioner. The Writ Petition is disposed of on the above terms. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

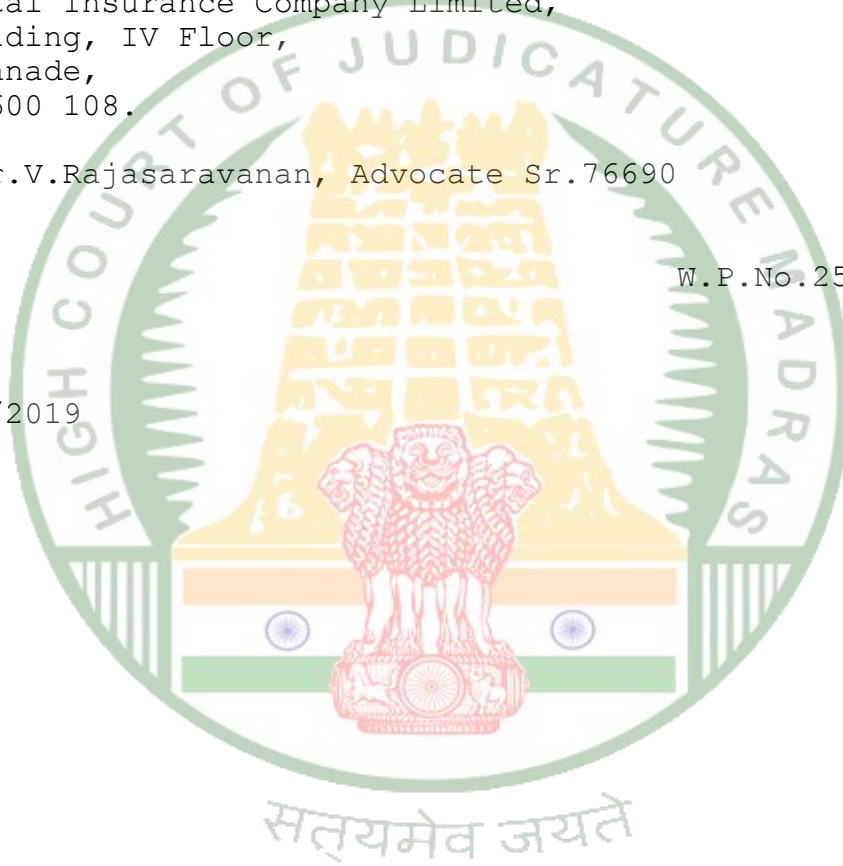
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+2cc to Mr.V.Rajasaravanan, Advocate Sr.76690

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srg 07/11/2019



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