



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WP(MD)No.16542 of 2018

Raju Thomas

... Petitioner

Vs.

1.The Chairman and Managing Director,
The New India Assurance Company Ltd,
Head Office,
87, MG Road,
Mumbai - 400 001.

2.General Insurers (Public Sector) Association of India,
Through its Secretary General,
3rd Floor, Jeevan Vihar Building,
Sansad Marg, New Delhi.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the first respondent to consider the representation, dated 19.04.2018 and to give notional weight age of two years to the petitioner's qualifying service for the purpose of calculating his pension and accordingly, grant the revised pension retrospectively and to pay consequential arrears arising therefrom with 12% interest on the differential pension and to pay pension, arrears and interest within the stipulated time fixed by this Court.

For Petitioner	:	Mr.S.Prasanth
For R - 1	:	Mr.N.Dilip Kumar
For R - 2	:	Mr.C.Nandagopal

ORDER

The prayer of the petitioner is to direct the first respondent to consider the representation, dated 19.04.2018 and pass orders to give notional weight-age of two years for the petitioner's qualifying service for the purpose of calculating his pension. He also sought for revised pension.

2.Heard the learned counsel appearing for the petitioner and the respective learned counsel appearing for the respondents.

3.According to the learned counsel appearing for the petitioner, the issue involved herein had already attained finality by the court of first instance on 21.04.2017 in **W.P(MD)No.8680 of 2016 (G.Mohan and others Vs. The Chairman and Managing Director)** and the same was



affirmed by the Division Bench of this Court in **W.A(MD)No.1152 of 2017, dated 24.08.2017 (The Chairman and Managing Director Vs. G.Mohan and others)**.

4.On the other hand, the learned counsel appearing for the first respondent submitted that the issue is covered against the petitioner by the order of the Division Bench of this Court in **W.A.Nos.1228 to 1231 of 2016, dated 17.07.2017 (United India Insurance Company Limited Vs. N.Srinivasan and others)** and also by the order of this Court in **W.P.No.26344 of 2010, dated 20.06.2018 (S.Senthil Kumar Vs. The Secretary to Government and others)**.

5.In view of the conflicting views as stated supra, the respondents are directed to consider the representation of the petitioner, dated 19.04.2018 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6.The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS)

dsk

To

1.The Chairman and Managing Director,
The New India Assurance Company Ltd,
Head Office, 87, MG Road,
Mumbai - 400 001.

2.General Insurers (Public Sector) Association of India,
Through its Secretary General,
3rd Floor, Jeevan Vihar Building,
Sansad Marg, New Delhi.

+1CC TO MR.S.PRASANTH, Advocate Sr. No.62768

+1CC TO MR.N.DILIP KUMAR, Advocate Sr. No.62677

**WP(MD)No.16542 of 2018
24.04.2019**

MT(CO)