

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27664 of 2013

V.Balasubramanian

... Petitioner

Vs.

1.The Chairman - cum - Managing Director,
The Oriental Insurance Company Limited,
Head Office, 24-27, Asaf Ali Road,
New Delhi - 110 002.

2.The Regional Manager,
The Oriental Insurance Company Limited,
Regional Office, No.4, UIC Building,
IV Floor, Esplanade,
Chennai - 600 108.

3.The Divisional Manager,
The Oriental Insurance Company Limited,
Divisional Office, 179, Eswaran Koil Street,
Puducherry - 605 001. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay petitioner the sum of Rs.2,02,699/- withheld from gratuity amount and Rs.4,47,291/- withheld from pension commutation amount, together with interest at 12% per annum and cost.

For Petitioner : Mr.D.Baskar

For Respondents : Mr.T.S.Baskaran

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to pay the petitioner the sum of Rs.2,02,699/- withheld from gratuity amount and Rs.4,47,291/- withheld from pension commutation amount, together with interest at 12% per annum.

2.The case of the petitioner is that the petitioner joined as Development Officer, Grade I on 18.01.1985 under the third respondent and after some years of service gave voluntary retirement and was relieved on 14.10.2011. According to the petitioner, the respondents have withheld a sum of Rs.2,02,699/- from his gratuity amount and a sum of Rs.4,47,291/- from his pension commutation amount. In this regard, the petitioner made several communications to the respondents. In response to one of such communications, the second respondent vide communication dated 30.01.2013, gave the details of settlement of Gratuity and Commutation. Aggrieved by the same, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner would submit that the respondents have withheld a sum of Rs.2,02,699/- from the petitioner's gratuity amount and a sum of Rs.4,47,291/- from the petitioner's pension commutation amount. He would further submit that the second respondent vide communication dated 30.01.2013, has given the details of settlement of Gratuity and Commutation to the petitioner.

4.The learned counsel appearing for the petitioner would further submit that without going into the merits of the case, it would suffice, if this Court permits the petitioner to make a representation against the communication of the second respondent dated 30.01.2013 and issues direction to the respondents to pass orders on the said representation.

5.Considering the limited request now made by the learned counsel appearing for the petitioner, this Court permits the petitioner to make representation against the communication of the second respondent dated 30.01.2013, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondents shall consider the same and pass appropriate orders on the said representation, in accordance with law, within a period of six weeks from the date of receipt of the representation.

6.This writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar

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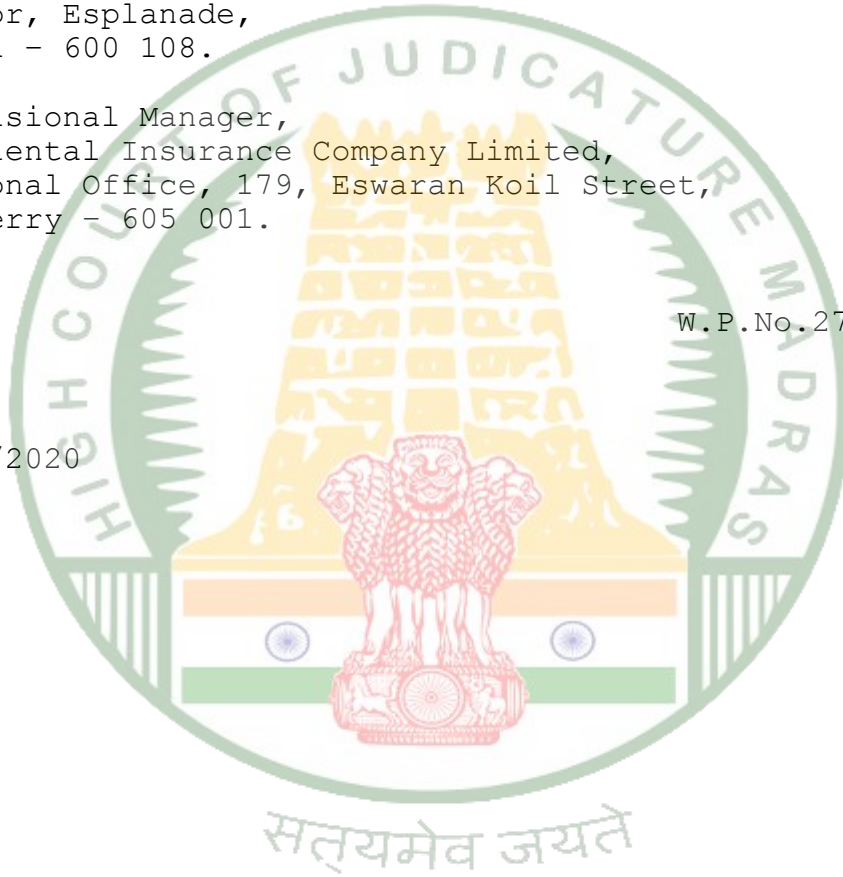
Sub Assistant Registrar

To

- 1.The Chairman - cum - Managing Director,
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srg 24/09/2020



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