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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.32 OF 2021
IN
WRIT PETITION NO.3259 OF 2018

Mr. Charanjit Singh Bright

...Applicant /
Petitioner

Versus

National Insurance Co. Ltd. & Anr.

...Respondents

Mr. Rishi Ashok i/b. Bekay Legal for the Applicant / Petitioner.

Mr. Vipul Shukla with Sanjit Shenoy for the Respondent Nos.1
and 2.

CORAM : K.K. TATED &
R.I. CHAGLA, JJ.

DATE : 12TH FEBRUARY, 2021

ORDER :

1. Heard learned Counsel for the parties.
2. By this Interim Application the Applicant is seeking directions against Respondent to release Provident Fund amount of the Applicant forthwith along with interest accrued thereon. He also seeks directions against Respondents to pay part of monthly pension to the Applicant as per his grade.

3. Learned Counsel for the Respondents submits that, they have filed their Affidavit in Reply dated 1st January, 2021. He submits that they have no objection to release the Applicant's contribution in Provident Fund account with accrued interest, if any. He further submits that in view of General Insurance (Employees) Pension Scheme, 1995, the Applicant is not entitled for any pension, therefore there is no question of granting any relief at present in favour of Applicant.

4. Considering, the submission of learned Counsel for parties and the paragraph 9 of the Affidavit in Reply filed by the Respondent, we are of the opinion that present Interim Application can be partly allowed. Paragraph 9 of the Affidavit in Reply reads thus:-

"9. The Petitioner is seeking monthly pension in the application when he is well aware that he is not entitled to any pension as envisaged under S.22 of the GENERAL INSURANCE (EMPLOYEES) PENSION SCHEME, 1995, which stipulates as follows : "22 Forfeiture of service – Resignation or dismissal or removal or termination or compulsory retirement of an employee from the service of the Corporation of a Company shall entail forfeiture of his entire past service and consequently shall not qualify for pensionary benefits." The reading of the above is amply indicative that the Petitioner is not entitled to any pension by virtue of his dismissal. As regards the release of Provident Fund being sought by the Petitioner, the Respondent can ony

release it's own contribution to the PF along with interest accrued thereon as credited to the account of the Petitioner which is Rs.6,24,836/-"

5. It is to be noted that in the present Writ Petition, the Applicant's main prayer is to release the pensionary benefits with interest @ 18%. The same cannot be allowed in the present Interim Application because prayers are in the nature of final disposal of Writ Petition itself. Hence the following order is passed:-

(a) Respondents to release the Applicant's contribution in the Provident Fund account along with accrued interest, if any, on or before 19th March, 2021.

(b) Interim Application stands disposed of accordingly.

(c) No order as to costs.

[R.I. CHAGLA J.]

[K.K. TATED, J.]