



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. No. 19697 of 2021

D. Santhanam

.. Petitioner

Versus

1. The Chairman & Managing Director  
The New India Assurance Company Ltd  
New India Assurance Building  
87, M.G. Road, Fort  
Mumbai - 400 001
2. The Regional Manager  
The New India Assurance Company Ltd  
Dewa Towers, 3rd Floor  
770-A, Anna Salai  
Chennai - 600 002
3. The Senior Divisional Manager  
The New India Assurance Company Ltd  
Kanchipuram Divisional Office (DO 712000)  
No.57, Nellukara Street  
Kanchipuram - 631 501

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to disburse the withheld commission amount of Rs.1,89,545.45/- to the petitioner with due interest at the rate 12% per annum for the said belated payment within a time limit prescribed by this Hon'ble Court

For Petitioner : Mr.J. Lakshmi Narayanan

O R D E R

The relief sought in this writ petition is to issue a writ of Mandamus directing the respondents to disburse the withheld commission amount of Rs.1,89,545.45/- to the petitioner with interest at the rate of 12% per annum for the said belated payment, within a time limit to be prescribed by this court.



2. According to the petitioner, he is working as Life Insurance Corporation Agent and his agency was renewed periodically. Based on the same, he registered himself with the New India Assurance company Limited and was engaged as an agent and providing business to the said company for the past more than 40 years. Initially, he was assigned with Agent Code No.14524, which was subsequently, changed as 24077. However, he was not paid with his agent commission on the ground that he has not passed the test conducted by the IRDA. His repeated requests made in this regard yielded no positive response. In the mean while, he appeared in the pre-recruitment test for insurance agents conducted by the Insurance Institute of India, Mumbai and successfully passed the same, pursuant to which, he was issued with insurance agency by the second respondent. Thereafter, he submitted a representation dated 27.03.2018 requesting to disburse his withheld commission amount, to the third respondent, who by communication dated 09.08.2019, quantified the commission amount at Rs.1,89,545.45 and sought approval from the second respondent. In response to the same, the second respondent issued an order, placing reliance on the Financial Standing Order 2016 and directed the third respondent to take appropriate decision at the Divisional Office level for payment of the pending commission. Thereafter, nothing moved, with regard to the claim of the petitioner, which compelled him to file a complaint to the Insurance Ombudsman on 24.03.2021. However, the Insurance Ombudsman, by communication dated 03.05.2021 informed that the petitioner's complaint does not satisfy the condition as enumerated in Rule 13 (1) of the Insurance Ombudsman Rules and hence, it cannot be considered. Feeling aggrieved, the petitioner is before this court with the present writ petition.

3. Today, when the matter was taken up for consideration, the learned counsel for the petitioner, after making some submissions, confined the relief sought in this writ petition and sought liberty to the petitioner to submit a fresh representation rectifying the defects as pointed out by the Insurance Ombudsman.

4. In view of the limited relief now sought by the learned counsel for the petitioner, the writ petition stands disposed of, granting such liberty to the petitioner. No costs.

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar



dhk

To

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- 1.The Chairman & Managing Director,  
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Kanchipuram Divisional Office (DO 712000),  
No.57, Nellukara Street,  
Kanchipuram - 631 501.

+1cc to Mr.J.Lakshmi Narayanan, Sr No.47456

W.P. No. 19697 of 2021

SPD (CO)  
PR (13/10/2021)