



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P (MD)No.8457 of 2021

K.Periasamy

... Petitioner

vs.

1.The Chief Regional Manager,
National Insurance Company Limited,
Regional Office,
Madurai.

2.D.Ashok Raj

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the first respondent to release the pending terminal benefits due towards the second respondent Employment No.45980 to the petitioner as the reimbursement for the deduction of a sum of Rs.4,14,806/- from the petitioner's retirement benefits on the basis of the petitioner's representation, dated 29.01.2021.

For Petitioner : Mr.R.Shankar Ganesh
for M/s.Dictum Law Firm

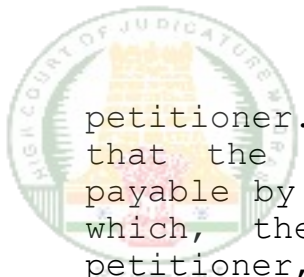
For R- 1 : Mr.A.S.Mathialagan

For R - 2 : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

ORDER

The petitioner has filed the present Writ Petition, to direct the first respondent to release the pending terminal benefits due towards the second respondent Employment No.45980 to the petitioner as the reimbursement for the deduction of a sum of Rs.4,14,806/- from his retirement , on the basis of his representation, dated 29.01.2021.

2.According to the petitioner, he was appointed as a Development Officer at Kovilpatti on 08.10.1983 and he retired from service on 31.01.2018, as a Senior Branch Manager at Sivakasi Branch, on attaining the age of superannuation. At the time of his retirement, the authority sanctioned gratuity and Earned Leave encashment for a total sum of Rs.22,53,930/-. Out of the said amount, the first respondent has deducted a sum of Rs.4,14,806/- and granted a sum of Rs.12,59,451/- as a final settlement to the



petitioner. From the sanctioned order of the petitioner, it is seen that the first respondent has deducted a sum of Rs.4,14,806/- payable by the second respondent towards the loan taken by him, for which, the petitioner stood as a security. According to the petitioner, the first respondent has terminated the service of the second respondent based on a criminal case. In the account of the second respondent, there is a credit of Rs.4,56,207/-, which is non-payable to the second respondent. In view of the same, the petitioner gave six representations to the first respondent to disburse the said amount to him. Since no order has been passed, the petitioner has come out with the present Writ Petition.

3.Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the first respondent and the learned counsel appearing for the second respondent and perused the entire materials available on record.

4.From the perusal of the entire materials available on record, it is seen that the petitioner stood as a security for the loan taken by the second respondent and a sum of Rs.4,14,806/- is due and payable by the second respondent. While so, the second respondent was dismissed from service, based on the criminal proceedings. In view of the same, as per the request of the General Insurance Corporation Employees' Co-operative Thrift and Credit Society Limited, the first respondent has deducted a sum of Rs.4,14,806/- from the terminal benefits of the petitioner.

5.Considering the above fact that a sum of Rs.4,56,207/- is standing in the credit of the second respondent, the first respondent is directed to consider the representation of the petitioner, dated 29.01.2021, taking into account that a sum of Rs.4,56,207/- is lying in the account of the second respondent, and pass orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

6.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps



Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

The Chief Regional Manager,
National Insurance Company Limited,
Regional Office,
Madurai.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-24708[F] dated 30/07/2021)

+1 CC to M/s.A.S.MATHIALAGAN, Advocate (SR-24825[F] dated 30/07/2021)

**W.P(MD)No.8457 of 2021
29.07.2021**

RK (05.08.2021) 3P 4C