



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.02.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.12707 of 2016

T.P.T.Pathy

... Petitioner

Vs.

1.The National Insurance Company Limited,

represented by its Chairman cum Managing Director,

Head Office,

3, Middleton Street,

Kolkatta 700 071.

2.The Chief Regional Manager,

National Insurance Company Limited,

Madurai Regional Office,

Commercial Plot No.111,

80 Feet Road,

Opp Ambiga Theatre,

Anna Nagar,

Madurai 625 020.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to refix the pensionable years of service to the petitioner as 30 years in terms of Clause 30(5) of General Insurance (Employees) Pension Scheme, 1995 and disburse the same with all consequential benefits from the date of voluntary retirement.

For Petitioner : Mr.T.Antony Arul Raj

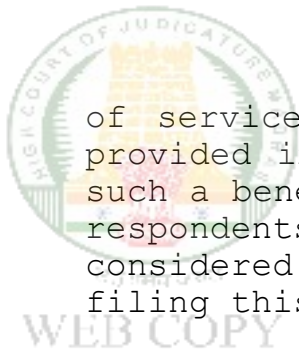
For Respondents : Mr.Ananth Gopalan

for M/s. T.S.Gopalan and Co.,

O R D E R

This writ petition has been filed for a direction to the respondents to refix the pensionable years of service to the petitioner as 30 years in terms of Clause 30(5) of the General Insurance (Employees) Pension Scheme, 1995 and disburse the same with all consequential benefits from the date of voluntary retirement.

2. The case of the petitioner is that he was joined as an Inspector in the respondent Insurance Company on 01.06.1978 and he voluntarily retired from service in the year 2003. It is the further case of the petitioner that while computing the pensionable period



of service, he was not given the benefit of extra five years as provided in Clause 30(5) of the Scheme, 1995 and in order to avail such a benefit, the petitioner has submitted a representation to the respondents on 29.09.2015. But till date the same was not considered. Hence, the petitioner has approached this Court by filing this writ petition.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner would submit that this Court may issue a direction to the first respondent to consider the petitioner's representation, dated 29.09.2015, within a reasonable time as fixed by this Court.

4. The learned counsel appearing for the respondents has no serious objection for considering the petitioner's representation, dated 29.09.2015.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the first respondent to consider the petitioner's representation, dated 29.09.2015 and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner is also directed to enclose the copy of the representation and the decision of the Apex Court reported in **(2018) 18 SCC 186** along with the order passed in this writ petition.

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

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1.The Chairman cum Managing Director,
National Insurance Company Limited,
Head Office,
3, Middleton Street,
Kolkatta 700 071.



2.The Chief Regional Manager,
National Insurance Company Limited,
Madurai Regional Office,
Commercial Plot No.111,
80 Feet Road,
Opp Ambiga Theatre,
Anna Nagar,
Madurai 625 020.

+1 CC to M/s.T.ANTONY ARUL RAJ, Advocate (SR-7363[F] dated
25/02/2021)

+1 CC to M/s.T.S.GOPALAN, Advocate (SR-7438[F] dated 26/02/2021)

W.P. (MD) No.12707 of 2016
24.02.2021

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