

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 7650 OF 2019

Anil Gyanchandji Kochar,
(Salary/ Employment No. 388080),
Aged about 60 years, Occ. Pensioner,
R/o 1445, Deshpande Lay-Out,
CA Road, Nagpur – 440008.

PETITIONER

.....VERSUS.....

1. The Chairman Cum M.D.
National Insurance Co. Ltd.,
3, Middleton Street,
Kolkata – 700071.
2. The Trustee,
National Insurance Co. Ltd.,
Employee's Pension Cell,
5, Netaji Subhash Road,
Kolkata – 700071.
3. The Divisional Manager,
National Insurance Co. Ltd.,
Paul Commercial Complex,
5th Floor, Ajni Chowk, Nagpur – 440015.

RESPONDENTS

Shri V.S. Bapat, Advocate for the petitioner.
Dr. Collin C. Anthony, Advocate for the respondents.

CORAM : A. S. CHANDURKAR AND M.W. CHANDWANI, JJ.

DATE : 12/10/2022

ORAL JUDGMENT (PER : A.S. CHANDURKAR, J.)

RULE. Rule made returnable forthwith and heard the learned
counsel for the parties.

2. The petitioner was serving as Development Officer with the
National Insurance Company Limited. The said Company declared Special

Voluntary Retirement Scheme 2003 (for short “the said Scheme”) vide notification dated 2/1/2003 in which the petitioner participated by submitting an application. Though the petitioner was to superannuate on 30/6/2019, he was permitted to retire prematurely on 31/3/2003. The petitioner thus completed 17 years of service and claimed entitlement to the benefits under the retirement package. Since those benefits were not granted to the petitioner, he has filed the present Writ Petition.

3. During pendency of the Writ Petition, the Company has on 18/4/2022 decided to consider the applications/ representations made by various employees under the said Scheme for grant of pensionary benefits. As per the said decision, entitlement to pension has been recognised and it is accepted that the concerned employee would make an application in that regard. The learned Counsel for the respondents submits that the petitioner will be required to make an application in that regard and on the same being made, within a period of three months thereof, the pensionary benefits would be released.

4. The learned Counsel for the petitioner while relying upon the decision in *Suhas s/o Vinayak Sohoni Vs. The Chairman Cum M.D., National Insurance Co. Ltd.* [Writ Petition No. 2479/2005 decided on 5th/6th June, 2018] submits that the petitioner should be granted interest @

12% per annum if the pensionary benefits are not paid within a period of three months.

5. In the light of the notice dated 18/4/2022 issued by the respondents, it is observed that the petitioner is free to make an application for release of pensionary benefits. On such application being made, the respondents shall within a period of three months from receiving the same release the petitioner's pensionary benefits. In case the said benefits are not released within a period of four months from receiving the said application, the petitioner would be entitled to interest @ 12% per annum from the date of acceptance of his notice of voluntary retirement till the actual payment.

6. Rule is made absolute in the aforesaid terms with no order as to costs.

(M.W. CHANDWANI, J.)

(A.S. CHANDURKAR, J.)

SUMIT