



WEB COPY



W.P.No.13725 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2022

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.13725 of 2020

P.Narayanan

... Petitioner

Vs.

1.The Chief Manager - Pension Dept, Head Office,
The New India Assurance Co. Ltd.,
87, M.G. Road, Fort, Mumbai - 400 001.

2.The General Manager,
The New India Assurance Co. Ltd.,
87, M.G. Road, Fort, Mumbai - 400 001.

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 16.11.2019 and 18.07.2020 for pension as per General Insurance (Employees) Pension Amendment Scheme 2019.

For Petitioner : Mr.R.R.Pradeep
for Mr.S.Sethuraman

For Respondents : Mr.V.Perumal



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ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the respondents to consider the petitioner's representations dated 16.11.2019 and 18.07.2020 for pension as per General Insurance (Employees) Pension Amendment Scheme 2019 (Hereinafter referred to as Scheme 2019).

2. The grievance of the petitioner is that the pension has been paid to the petitioner erroneously under the General Insurance Officer Special Voluntary Retirement Scheme 2004 (Hereinafter referred to as Scheme 2004). According to the petitioner, he ought to have been paid pension as per Scheme 2019. In such circumstances, he has given the aforementioned representations, requesting the respondents to pay his pension as per the Scheme 2019. Since the representations have not been considered till date, he has filed this Writ Petition.

3. The petitioner has filed both the Schemes viz. 2004 Pension Scheme and 2019 Pension Scheme along with this Writ Petition. The petitioner has retired from service on 12.03.2004. The petitioner has been



receiving pension. He claims that pension has been paid erroneously.

According to the petitioner, he ought to have been paid the pension as per Scheme 2019.

4. No prejudice would be caused to the respondents if the petitioner's representations referred to supra are considered on merits and in accordance with law within a time frame to be fixed by this Court. Since the representations of the petitioner are old ones, the petitioner will have to give a fresh representation.

5. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the respondents, requesting for grant of pension as per Scheme 2019 within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said representation, the first respondent shall pass final orders on merits and in accordance with law within a period of eight weeks thereafter.



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6. With the aforementioned directions, this Writ Petition is disposed

of. No Costs.

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Index : Yes/No
Speaking Order : Yes / No
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To

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ABDUL QUDDHOSE. J.,

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