



WP. No. 865 & 10535 of 2015
and WA. No. 401 of 2018

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY**

**Writ Petition Nos. 865 and 10535 of 2015
and Writ Appeal No. 401 of 2018**

1. P.C. Lakshmi Narasimhan ... Petitioner in WP. No. 865 of 2015
2. N. Veeraraghavan ... Petitioner in WP. No.10535 of 2015
3. S. Seshadri ... Appellant in WA. No. 401 of 2018
Vs.

1. Chairman- Cum- Managing Director
United India Insurance Company Limited
Head Office, No.24, Whites Road,
Chennai- 600014

2. General Manager
Personnel Department
United India Insurance Company Limited
Head Office, No,24, Whites Road
Chennai- 600014

3. Chief Executive
General Insurance Public Sector
Undertaking GIPSA, 3rd Floor,
Jeevan Vihar rear Portion,
New Delhi- 110 001



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4. Secretary
Ministry of Finance
Department of Economic Affairs,
Insurance Division, 'A' wing
2nd Floor, Lok Nayak Bhavan
Khan Market, New Delhi-110003

5. Secretary, (Finance Sector)
Insurance Division, Jeevan Deep Building
Department of Economic Affairs
Sansad Marg, New Delhi ... Respondents in All WP's & Writ Appeal

Prayer in W.P. No. 865 of 2015: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the first respondent to consider the representations dated 12.08.2014 & 08.10.2014 and direct the respondents by treating the petitioner as a person voluntarily retired in terms of the Pension Scheme 1995 by working out the amount payable to the petitioner in terms of Para 3(1)(c) of the General Insurance Employees Pension Scheme after levying interest at 6% from 31.10.1986 from the pension due to the petitioner after adjusting the same on the amount outstanding from the petitioner to the 1st respondent in terms of General Insurance Employees Pension Scheme 1995 by treating the petitioner as a voluntarily retired in terms of clause 22 and 30 of the scheme and allowing pension in terms of the orders rendered by the Supreme Court in CA No.6013/11 dated 28.07.2011 and in Review Application No.128/2012 in W.P.No.2905/1996 by the order dated 07.11.2013 as confirmed in SLP No. 15239/2014 dated 11.07.2014.



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Prayer in W.P. No.10535 of 2015: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the first respondent to consider the representation dated 19.02.2015 consequently direct the respondents by treating the petitioner as a person voluntarily retired in terms of Pension Scheme 1995 by working out the amount payable to the petitioner in term of Para 3(1)(c) of the General Insurance Employees Pension Scheme after levying interest at 6% from 19.03.1991 from the pension due to the petitioner after adjusting the same on the amount outstanding from the petitioner to the 1st respondent in terms of General Insurance Employees Pension Scheme 1995 by treating the petitioner as a voluntarily retired in terms of clause 22 and 30 of the scheme and allowing pension in terms of the orders rendered by the Supreme Court in CA No.6013/11 dated 25.07.2011 and in Review Application No.128/2012 in W.P.No.2905/1996 by the order dated 07.11.2013 as confirmed in SLP No.15239/2014 dated 11.07.2014.

Prayer in W.A. No. 401 of 2018: Writ Appeal filed under Clause 15 of Letters of Patent Appeal, to set aside the order dated 11.10.2017 in W.P.No.26513 of 2017 by allowing the Writ Appeal and thereby directing the first respondent to consider the representation dated 06.07.2017 by treating the Appellant as a person voluntarily retired in terms of Pension Scheme 1995 by working out the amount payable to the appellant in term of para 3(1)(c) of the General Insurance Employees



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Pension Scheme after levying interest at 6% from 23.06.1992 from the pension due to the Appellant after adjusting the same on the amount outstanding from the Appellant to the 1st respondent in terms of General Insurance Employees Pension Scheme 1995. By treating Appellant as a voluntarily retired in terms of clause 22 and 30 of the Scheme by allowing the pension in terms of order rendered by the Supreme Court in CA.NO.6013 of 11 dated 28.07.2011 and in Review Application No.128 of 2012 in W.P.No.2905 of 1996 by the order dated 07.11.2013 has confirmed in SLP No. 15239 of 2014 dated 11.07.2014.

W.P.No. 865 of 2015:

For Petitioner : Mr.M. Ravi
for Mr.K. Moorthy

For Respondents : Mrs. Chitra Sampath for R1 and R2
Senior Counsel
for Mr. T.S. Baskaran
Mr. N. Ramesh for R4 to R5
Central Govt Standing Counsel
No Appearance for R3

WP.No.10535 of 2015 :

For Petitioner : Mr.M. Ravi for Mr.K. Moorthy

For Respondents : Mrs. Chitra Sampath for R2
Senior Counsel
for Mr. T.S. Baskaran
No Appearance for R1& R3 to R5



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WA.No. 401 of 2018:

For Appellant : Mr.M. Ravi for Mr.K.Moorthy

For Respondents : Mrs. Chitra Sampath for R2
Senior Counsel
for Mr. T.S. Baskaran
No Appearance for R2 to R5

COMMON ORDER

Today when the matter was taken up for hearing, it is accepted by the learned counsel on either side that the relief prayed for in these matters on the basis of the Judgment of Hon'ble Supreme Court in the case of *Sheelkumar Jain vs. New India Assurance Company Limited and others* reported in (2011) 12 SCC 197.

2. Mrs.Chitra Sampath, learned Senior Counsel appearing for the Insurance company would bring to the notice of this Court that the ratio laid down in *Sheelkumar Jain vs. New India Assurance Company Limited and others* has been reversed by the Judgment of Hon'ble Supreme Court of India reported in 2019 4 SCC 479.



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3. In view thereof, it goes without saying that the Writ Appeal

No.401 of 2018 as well as the Writ Petitions Nos.10535 of 2015 and 865
of 2015 shall stand dismissed. No costs.

(J.N.B.,J.,) (D.B.C., J.,)

23.06.2023

Msv

Index : Yes / No

Internet : Yes / No

Neutral citation : Yes / No

Speaking order/Non-speaking order
To

1. The Chief Executive

General Insurance Public Sector

Undertaking GIPSA, 3rd Floor,

Jeevan Vihar rear Portion,

New Delhi- 110 001

2. The Secretary

Ministry of Finance

Department of Economic Affairs,

Insurance Division, 'A' wing

2nd Floor, Lok Nayak Bhavan

Khan Market, New Delhi-110003

3.The Secretary, (Finance Sector)

Insurance Division, Jeevan Deep Building

Department of Economic Affairs

Sansad Marg, New Delhi



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J. NISHA BANU, J.
and
D.BHARATHA CHAKRAVARTHY, J.
Msv

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