



WEB COPY



W.P. No.4521 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.Nos.4521 of 2015

S.Srinivasa Raghavan

... Petitioner

Vs.

United India Insurance Company Limited
24, Whites Road,
Chennai – 600014.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of mandamus directing the respondent herein to pay the petitioner full pension as in the case of voluntary retirement in accordance with the provisions of the General Insurance (Employees') Pension Scheme, 1995, with interest, with effect from 01-Nov-1993.

For Petitioner : Mr.M.Ravi

For Respondent : Mr.T.S.Baskaran and
Ms.C.Jayachithra

ORDER

This writ petition has been filed seeking writ of mandamus to direct the respondent herein to pay full pension as in the case of voluntarily retirement



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in accordance with provisions of General Insurance (Employees) Pension Scheme, 1995 with effect from 01.11.1995.

2. The petitioner herein worked as Assistant General Manager in the respondent Company with employee No.929 till the year 1993 and he was resigned from service of the respondent Company with effect from 15.10.1993. Thereafter, the pension scheme was introduced vide General Insurance (Employees) Pension Scheme, 1995 and the petitioner, who got relieved from the respondent Company in the year 1993, made a claim for award of pension in terms of the said scheme, on the ground that he has to be treated as completing 20 years of qualifying service as contemplated under Clause 30 of Pension Scheme, 1995, and his cessation of service in the respondent Company should be viewed as voluntary retirement and not as resignation. The said claim of the petitioner was not considered by the respondent and hence, the petitioner approached this Court by filing the present writ petition.

3. When the matter is taken up for consideration, it is brought to the



notice of this Court by M/s.T.S.Baskaran & C.Jayachithra learned counsels appearing for the respondent that identical claims made by the persons like the petitioner herein was considered by the learned Division Bench of this Court in W.A.No.209 of 2016 and W.P.Nos.863 & 864 of 2015 and the learned Division Bench, by an order dated 11.12.2023, rejected such similar claims and a copy of the said order is also placed before this Court. The learned Division Bench in paragraph No.25 held as under:

“25.In the present case all the three employees on the date of submitting their resignations have not completed 55 years of age. The same could also be fortified from the age given by them in their respective affidavits filed in support of their writ petitions. They would have submitted their resignations only as they do not qualify for Voluntary Retirement. On this ground also their claim to treat them as Voluntarily Retired to enable them for applying 1995 Scheme cannot be entertained, as they have not reached the qualifying age to apply for Voluntary Retirement.”

4. The petitioner herein has not completed the age of 55 years as on and hence not qualified for voluntary retirement as on the date of his



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resignation in the year 1993. In the circumstances, the issue involved in this present writ petition is squarely covered by above order passed by the learned Division Bench and the claim of the petitioner is liable to be rejected.

5. In the circumstances, this writ petition is dismissed. The connected miscellaneous petitions, if any, shall stand closed. No costs.

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Index : Yes/No
Speaking Order : Yes/No
dpa

To:

United India Insurance Company Limited
24, Whites Road,
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MUMMINENI SUDHEER KUMAR,J.

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