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W.P.No.15817 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

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THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.15817 of 2022

Baladhandayutham

... Petitioner

Vs.

1.The Senior Divisional Manager,
LIC of India, Vellore Divisional Office,
Jeevan Prakash, Arcot Road,
Vellore 632 004.

2.The Manager (E&OS),
LIC of India, Vellore Divisional Office,
Jeevan Prakash, Arcot Road,
Vellore 632 004.

3.The Chief Manager,
LIC of India, Pondicherry Branch Office -1,
Plot No.11, 13, Kamaraj Salai,
New Saram, Puducherry 605 013.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in Ref:OS/TB dated 11.05.2022 and quash the same and direct the respondents either jointly or severally to disburse the settlement of terminal benefits without holding of Rs.5,84,266/- within a period of stipulate time.



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For Petitioner : Mrs.R.T.Sundari

For Respondents : Mr.R.S.Anandan

ORDER

This Writ Petition has been filed by the petitioner for quashment of the impugned order in Ref:OS/TB dated 11.05.2022 and quash the same and direct the respondents either jointly or severally to disburse the settlement of terminal benefits without holding of Rs.5,84,266/- within a stipulated time as fixed by this Court.

2. Heard the learned counsel on either side and also perused the materials available on record.

3. The learned counsel for the petitioner submitted that the petitioner was appointed as Development Officer in the year 1992 in SR.No.561776 at LIC of India, Podicherry Branch 1, Vellore Division and thereafter, his service was confirmed in the year 1994. As per the communication from the Divisional Office Ref:OS/TB dated 21.02.2022, the petitioner was retired and relieved from the service on 28.02.2022 on attaining the age of superannuation by the third respondent. Thereafter, the second respondent



passed an impugned order in Ref:OS/TB dated 21.02.2022 stating that the net amount payable towards the settlement of terminal benefits for the petitioner is Rs.21,08,481/- after deducting the dues payable to Corporation. The terminal benefits was not paid by the respondents on the ground that the suit in O.S.No.178 of 2021 is pending before the learned II Additional District Judge, Puducherry. The said suit was filed by one Gowri against the petitioner for recovery of money. For which, the petitioner gave several representations to the respondents, but the respondents paid only the pension amount. The net amount sanctioned by the second respondent is only Rs.15,24,215/- out of Rs.21,08,481/-. The Corporation has deducted the outstanding dues along with Court case recovery for Rs.5,84,266/-, without any Court interference for the suit pending disposal by the learned II Additional District Judge, Puducherry in O.S.No.178 of 2021. Hence, the petitioner has approached this Court by way of this petition seeking a direction to the respondents to disburse the terminal benefits without holding the said sum of Rs.5,84,266/-.

4. The learned counsel for the respondents submitted that the petitioner was on continuous leave from 18.06.2021 and not reported for duty till the date of his retirement. The petitioner was relieved from service on 28.02.2022 and he was also advised to submit the necessary discharge forms or discharge



receipts duly signed for disbursement of the terminal benefits payable to him, as per the rules of the Corporation. But the petitioner did not report for duty on the date of his retirement also and the relieving letter dated 28.02.2022 was also sent by the Registered Post to the address of the petitioner. He further submitted that the third respondent was served with summons on 25.02.2022 from the learned II Additional District Judge, Puducherry wherein the third respondent was directed to appear before the Court on 21.03.2022 in a suit in O.S.No.178 of 2021 which is filed by one Gowri against the petitioner. The receipt of the summons was also intimated to the petitioner through email communication dated 28.02.2022. The respondents through an authorized panel counsel of the Corporation entered appearance on 21.03.2022 and the matter was posted to 26.04.2022. The respondents as a matter of abundant caution to protect the interest of the Corporation, withheld an amount of Rs.5,84,266/- from the terminal benefits payable to the petitioner and communicated to the petitioner by letter dated 11.05.2022 that net amount of Rs.15,24,215/- is payable after all deductions and advised the petitioner to submit discharge summaries for the same. The said amount of Rs.15,24,515/- was settled to the petitioner on 12.05.2022 by NEFT to the bank account of the petitioner and the same was also communicated to the petitioner by email dated 12.05.2022. In the letter dated 11.05.2022, it was clearly intimated to



the petitioner about withholding an amount of Rs.5,84,266/- due to the summons served on the third respondent in O.S.No.178 of 2021. The Corporation is ready to release the withheld amount of Rs.5,84,266/- on closure of the said suit or on the direction of this Court.

5. Considering the submissions made by the learned counsel on either side, this Court directs the respondents to release the amount due to the petitioner as on date and if the amount is released to the petitioner, the third respondent is not required to appear before the learned II Additional District Judge, Puducherry in O.S.No.178 of 2021. If the amount due to the petitioner is released by the respondents within a period of two months from today i.e., 12.09.2024, the petitioner shall file an application before the II Additional District Judge, Puducherry, for deposit of the amount in O.S.No.178 of 2021. It is also made clear that there is no connection between the respondents and the plaintiff, namely one Gowri in the suit in O.S.No.178 of 2021. Thus, the summons to the third respondent be withdrawn forthwith.

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

12.09.2024

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Index : Yes / No



Speaking order / Non-speaking order

Note: Issue order copy on 13.09.2024

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To

- 1.The Senior Divisional Manager,
LIC of India, Vellore Divisional Office,
Jeevan Prakash, Arcot Road,
Vellore 632 004.
- 2.The Manager (E&OS),
LIC of India, Vellore Divisional Office,
Jeevan Prakash, Arcot Road,
Vellore 632 004.
- 3.The Chief Manager,
LIC of India, Pondicherry Branch Office -1,
Plot No.11, 13, Kamaraj Salai,
New Saram, Puducherry 605 013.
- 4.The II Additional District Judge, Puducherry.

VIVEK KUMAR SINGH, J.

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