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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.23436 of 2021

M.Suresh ... Petitioner

Vs.

1 The Union of India,
Rep. by the Secretary to
Government of India,
Ministry of Finance,
Department of Economic Affairs
(Insurance Division), New Delhi.

2. The Chairman cum Managing Director,
The New India Assurance Co.Ltd.,
87, M.G.Road,
Fort, Mumbai 400 001.

3. The Deputy General Manager,
The New India Assurance Co. Ltd.,
770 A, Spencer Towers, 3rs Floor,
Regional Office, Chennai - 60 002. ... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to consider the claim of the petitioner and pass orders for relaxation of the provisions of

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Paragraph 22 of the General Insurance (Employees) Pension Scheme, 1995 in the exercise of powers vested in Paragraph 54 A of the said scheme in the light of the representation, dated 10.12.2019 and to grant pensionary benefits.

For Petitioner	:	Mr.R.Subhash for Mr.M.Ravi
For Respondents		
For R1	:	Mr.A.Veeramani, Central Government Counsel
For R2 and R3	:	Mr.V.Perumal

ORDER

This Writ petition is filed to direct the first respondent to consider the claim of the petitioner and pass orders for relaxation of the provisions of paragraph 22 of the General Insurance (Employees') Pension Scheme, 1995 in exercise of powers vested in paragraph 54 A of the said scheme in the light of the representation, dated 10.12.2019 and to grant pensionary benefits.

2. The petitioner was working as Assistant in the New India Assurance Co. Ltd. at Chennai. He made a representation on 23.02.2007

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seeking permission to go on voluntary retirement and to relieve him on that score from 28.02.2007. However, the petitioner has given resignation on 26.02.2007 and his resignation has also been accepted on 01.03.2007 and thereafter the petitioner got relieved from service. Now the petitioner claims that similarly placed persons have been given with pensionary benefits and hence he has also given representation by stating that he had completed 19 years 7 months and 23 days of service and that he is eligible for pension. But his claim was rejected stating that he did not have the qualifying years of service to get the pensionary benefits.

3. The learned counsel for the petitioner submitted that the petitioner has resigned his job and joined some other service and so he had sent a representation to relax the rules prescribing minimum service for getting pensionary benefits for persons going on voluntary retirement, as per Regulations 31 of the General Insurance (Employees') Pension Scheme, 1995.

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4. There is no quarrel on the point that the petitioner has given resignation despite his representation for voluntary retirement was rejected. This is also not in dispute that the request for voluntary retirement was not conceded for want of qualifying service. Having known the fact that qualifying service required for voluntary retirement is 20 years, the petitioner had chosen to give resignation before attaining the said eligibility. Now the petitioner has filed this Writ petition after a lapse of 11 years. Having known about the consequence of resignation, this petition has been filed as an after thought.

5. According to Regulation 22 of the General Insurance (Employees') Pension Scheme, 1995, Resignation or dismissal or removal or termination or compulsory retirement of an employee from the Corporation or a company shall entail forfeiture of his entire past service and consequently shall not qualify for pensionary benefits. As the petitioner went on resignation, this rule is squarely applicable to him.

6. The petitioner has not only taken the risk of opting to go on resignation, he also accepted to be relieved before completing 20 years of

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service. As the petitioner does not have the fundamental eligibility to go on voluntary retirement and he had only resigned his job and went away, he is not entitled to get the benefits attached to Voluntary Retirement. I find no merits in this petition.

7. Accordingly the Writ Petition is dismissed. No costs.

19.02.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No
vum

To

1 The Secretary to Government of India,
The Union of India,
Ministry of Finance,
Department of Economic Affairs
(Insurance Division), New Delhi.

2. The Chairman cum Managing Director,
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