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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.20356 of 2024

J.Osaimani

... Petitioner

Vs.

1.The Zonal Manager,
The Life Insurance Corporation of India,
Zonal Office, Mount Road,
Chennai – 600 002.

2.Senior Divisional Manager,
The Life Insurance Corporation of India,
Divisional Office,
Jeevan Prakash, P.B.No.39, Gandhiji Road,
Thanjavur – 613 001.

3.The Senior Divisional Manager,
Life Insurance Corporation of India – Divisional Office-2,
C-47, II Avenue, Anna Nagar Plaza,
Anna Nagar, Tamil Nadu, Chennai – 600 040.

4.The Branch Manager,
Life Insurance Corporation of India,
Aranthangi – 614 616.

... Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the Respondents, more particularly Respondents 2nd and 4th to refund the amount Rs. 1,42,515/- deducted from the petitioner's pension together with interest @ 18% per annum from the date of deduction till the date of refund and to pay Rs.1,00,000/- as compensation.

For Petitioner : Mr.S.Sivalinga Kesavan

For Respondents : Mr.B.Prasanna vinoth
Standing Counsel for R1 to R4

ORDER

The instant writ petition has been filed by a retired Administrative Officer of the respondent corporation, seeking a mandamus to refund a sum of Rs.1,42,515/- which was deducted from the petitioner's pension together with interest.

2.According to the learned Counsel appearing for the writ petitioner, he had retired from service as Administrative Officer on 30.06.2021. However, by way of proceedings dated 24.11.2023, the corporation has chosen to hold that the petitioner has paid some excess payment to a policy holder in the year 2011 and therefore, he is liable to pay a sum of Rs.1,42,515/- and the said amount has been retained from the pension amount of the writ petitioner. Now writ petition has been filed seeking a mandamus to refund the said amount.



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3.The learned Standing Counsel appearing for the respondents Life Insurance Corporation after referring to the counter as well as the pension rules had contended that as per 49 Rule of the Life Insurance Corporation of India(Employees) Pension Rules, they are entitled to recover the dues to the Corporation on account of housing loans, advances, license fees and other recoveries due to staff of the Co-operative Credit Society from the commutation value of the pension or the pension or the family pension.

4.It could be seen from the records that before effecting recovery of the above said amount, the petitioner has not been put on notice and straight away an order has been passed and after a period of ten years from the date of the alleged incident.

5.In view of the above said facts, the first respondent herein is directed to issue a notice to the writ petitioner and call for explanation from him. After considering the explanation submitted by the writ petitioner, the respondent authorities are at liberty either to refund the recovered amount or to confirm the recovery of Rs.1,42,515/-. The said exercise shall be completed within a period of four months from the date of receipt of a copy of this order.



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6. With the above said observations, this writ petition stands disposed of.

No costs.

19.10.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR

To

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R.VIJAYAKUMAR, J.

RJR

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