



W.P.No.11879 of 2013

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.11879 of 2013

I.V.Krishnamachary

... Petitioner

Vs.

1.United India Insurance Company Limited
Rep. by its Chairman-cum-Managing Director,
Head Office, No.24, Whites Road, Chennai-14.

2.General Insurers (public Sector) Association Of India,
Rep. by its Chairman,
3rd Floor, Jeevan Vihar, (Rear Portion),
Sansad Marg, New Delhi - 110 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the first respondent to calculate the due amount of pension in respect of the petitioner from 12.05.1994 under the General Insurance (Employees') Pension Scheme, 1995 and pay him the said arrears of pension so calculated together with simple interest at 12% from the said date and keep paying due pension every month to the petitioner as per the said Pension Scheme of 1995.



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For Petitioner : No appearance
For R1 : Mr.T.S.Baskaran

ORDER

This writ petition has been filed seeking Writ of Mandamus directing the first respondent to calculate the due amount of pension in respect of the petitioner from 12.05.1994 under the General Insurance (Employees') Pension Scheme, 1995 and pay him the said arrears of pension so calculated together with simple interest at 12% from the said date and keep paying due pension every month to the petitioner as per the said Pension Scheme of 1995.

2. This matter came up for consideration earlier before this Court on 13.08.2025. As there was no representation for the petitioner, this Court heard the learned counsel for the respondents and directed the matter to be listed today under the caption "for dismissal". Today, inspite of the matter being listed under the caption for dismissal, there is no



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"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



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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



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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 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."

3. In the light of the above, this Writ Petition is also liable to be dismissed and accordingly, the same is dismissed. The miscellaneous petitions, if any, shall stand closed. No costs.

20.08.2025

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl

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To

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MUMMINENI SUDHEER KUMAR, J.

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