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W.A.(MD)NO.1402 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2026

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MRS.JUSTICE R.KALAIMATHI

W.A.(MD)No.1402 of 2022 AND

C.M.P.(MD)No.11254 of 2022

1. The Chairman / Managing Director,
United India Insurance Company Ltd.,
No.24, Whites Road, Chennai.
 2. The Deputy General Manager,
United India Insurance Company Ltd.,
No.24, Whites Road, Chennai.
 3. The Regional Manager,
United India Insurance Company Ltd.,
7A, West Veli Street,
Madurai – 625 001.
- ... Appellants / Respondents

Vs.

M.Surendran(Died)

/1st Petitioner

1. Sundari ... 1st Respondent / 2nd Petitioner
2. Bhuvaneshwaran ... 2nd Respondent / 3rd Petitioner
3. Jothimani ... 3rd Respondent / 4th Petitioner
4. Bhoopathy ... 4th Respondent / 4th Petitioner
5. Malai ... 5th Respondent / 6th Petitioner

(R-1 to R-5 are substituted vide order dated 24.11.2021 in
W.M.P.(MD)No.5879 of 2017 in W.P.(MD)No.13332 of 2014)



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Prayer: Writ appeal filed under Clause 15 of Letters Patent, to set aside the order passed in W.P.(MD)No.13332 of 2014 dated 13.12.2021 passed by this Court and to allow this writ appeal in favour of these appellants.

For Appellants : Mr.C.Karthik

For Respondents : Mr.M.Kumar

* * *

J U D G M E N T

(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

The employer is on appeal challenging the order dated 13.12.2021 made in W.P.(MD)No.13332 of 2014. One M.Surendran was employed as Administrative Officer in United India Insurance Company Limited. He was prosecuted for the offence under the Prevention of Corruption Act. He was convicted by the trial Court in C.C.No.10 of 2004 on the file of the Special Judge, CBI Court, Madurai on 18.12.2009. Thereupon, he was dismissed from service on 23.03.2010. Challenging his conviction and sentence, Surendran filed C.A.No.430 of 2009 and it was allowed on 12.11.2014 and he was acquitted. Following his acquittal, he was reinstated on 17.03.2015. In the meanwhile, Surendran had filed W.P.(MD)No.13332 of 2014



and the same was dismissed. During the pendency of the writ petition, Surendren passed away. His legal heirs were brought on record. The learned single Judge disposed of the writ petition on 13.12.2021 by directing the employer to pay the terminal benefits and 50% backwages to the family of the deceased. Aggrieved by the same, this writ appeal has been filed.

2. The primary contention of the learned Standing counsel appearing for the employer that Surendran was reinstated pursuant to the order dated 17.03.2015 passed by the competent authority / General Manager. It was specifically ordered that from the date of dismissal till the date of reporting duty shall be treated as the period not spent on duty. The learned Standing counsel stressed the fact that Surendran did not challenge the order during his life time.

3. Secondly following his demise, his son Boopathy was given appointment on compassionate grounds on 15.06.2016 itself. He also brought to our notice to the decisions reported in **(1996) 11 SCC 603 (Ranchhodji Chaturji Thakore Vs. Supdt. Engineer) and (2007) 1 SCC 324 (Banshi Dhar Vs. State of Rajasthan)**. The Hon'ble



Supreme Court in the aforesaid decision had held that awarding backwages is not automatic. Considering these two things, namely, the reinstatement order and the appointment on compassionate ground to the legal heir / son of the deceased Surendran, we modify the order of the learned single Judge and direct the employer to pay 40% backwages apart from the other terminal benefits. This shall be done within a period of eight weeks from the date of receipt of a copy of this order. This writ appeal stands partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (R.KALAIMATHI, J.)
11th February 2026

NCC : Yes / No
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