

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

TUESDAY, THE 3RD DAY OF JULY 2018 / 12TH ASHADHA, 1940

WP(C).No. 21918 of 2018  
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PETITIONER(S):  
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1. PUBLIC SECTOR INSURANCE PENSION  
SEEKERS WELFARE ASSOCIATION,  
REGISTERED OFFICE, ROOM NO.2,  
2ND FLOOR, C.V.AVENUE,  
MALLOOR ROAD, VANCHIYOOR P.O.,  
THIRUVANANTHAPURAM- 695035,  
REPRESENTED BY ITS GENERAL SECRETARY,  
R. VIJAYAKUMARAN NAIR, AGED 62 YEARS,  
SON OF RAMAN PILLAI, RESIDING AT  
THIRUVATHIRA, RG 170A, KOCHULLOOR,  
THIRUVANANTHAPURAM-695011.
2. KOSHY GEORGE, AGED 59 YEARS,  
SON OF P. GEORGE, ASSISTANT MANAGER,  
EMPLOYEE NO.42891,  
NATIONAL INSURANCE COMPANY LTD.,  
BRANCH OFFICE, BHARANICAVU, KOLLAM-695521.
3. B. VIJAYAKUMAR, AGED 62 YEARS,  
SON OF BHASKARAN NAIR, SWATHY,  
BNRA-134, NCC ROAD, PEROORKADA P.O.,  
THIRUVANANTHAPURAM-695005.
4. T. BALAKRISHNAN, AGED 56 YEARS,  
SON OF BHASKARAN, SENIOR ASSISTANT,  
EMPLOYEE NO.22118,  
NEW INDIA ASSURANCE COMPANY LTD.,  
BRANCH OFFICE, NEDUMANGAD,  
-695572.
5. B. SOUNDAR, AGED 62 YEARS,  
SON OF BALAN, NO.119, B-3,  
MALAPRABHA BLOCK,  
NATIONAL GAMES VILLAGE,  
KORAMANGALA, BANGALURU-560047.
6. K.T. KURUVILA, AGED 54 YEARS,  
SON OF K.K. THOMAS,  
DEVELOPMENT OFFICER,  
SALARY ROLL NO.381641,  
ORIENTAL INSURANCE COMPANY LTD.,  
DIVISIONAL OFFICE NO.1,  
MATTEETHRA BUILDING, BAKER JUNCTION,  
KOTTAYAM-686001.
7. BINDU R., AGED 50 YEARS,  
WIFE OF LATE V. AJITHKUMAR, GEETHAM,  
MYLAKKADU P.O., KOTTIYAM, KOLLAM-691571.

8. RAMACHANDRAN K., AGED 56 YEARS,  
SON OF V. KULATHU IYER,  
ADMINISTRATIVE OFFICER,  
EMPLOYEE NO.18561,  
UNITED INDIA INSURANCE COMPANY LTD.,  
MICRO OFFICE, CHATHANNOOR, KOLLAM-691572.
9. S. KARUNANITHI, AGED 64 YEARS,  
SON OF SUNDARAM, 4/1182, INDIRA NAGAR,  
5TH CROSS, DHARMAPURI, TAMIL NADU-636701.
10. MARY JOHN, AGED 61 YEARS,  
WIFE OF K.J. GEORGE, KUDIYATTIL HOUSE,  
KALATHIL HOUSE, KALATHIL LANE, ALUVA-683101.
11. C.P. ANNAM, AGED 56 YEARS,  
WIFE OF P.V. PAULOSE, XIV/428, POURNAMI,  
EROOR SOUTH P.O., TRIPUNITHURA-682306.

BY ADVS.SRI.B.ASHOK SHENOY  
SRI.K.V.GEORGE  
SRI.P.N.RAJAGOPALAN NAIR  
SRI.P.S.GIREESH  
SRI.RIYAL DEVASSY

RESPONDENT(S) :  
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1. UNION OF INDIA, REPRESENTED BY  
THE SECRETARY TO GOVERNMENT,  
MINISTRY OF FINANCE,  
DEPARTMENT OF FINANCIAL SERVICES,  
3RD FLOOR, JEEVAN DEEP BUILDING,  
SANSAD MARG, NEW DELHI-110001.
2. GENERAL INSURERS (PUBLIC SECTOR)  
ASSOCIATION OF INDIA (GIPSA),  
REPRESENTED BY ITS CHAIRMAN,  
GROUND FLOOR, JEEVAN DEEP BUILDING,  
10, SANSAD MARG, NEW DELHI-110001.
3. LIFE INSURANCE CORPORATION OF INDIA,  
REPRESENTED BY ITS CHAIRMAN,  
CENTRAL OFFICE, "YOGAKSHEMA",  
JEEVAN BEEMA MARG, MUMBAI-400021.
4. NATIONAL INSURANCE COMPANY LTD.,  
REPRESENTED BY ITS CHAIRMAN-CUM-  
MANAGING DIRECTOR, HEAD OFFICE, 3,  
MIDDLETON STREET, KOLKATTA-700071.
5. NEW INDIA ASSURANCE COMPANY LTD.,  
REPRESENTED BY ITS CHAIRMAN-CUM-  
MANAGING DIRECTOR, HEAD OFFICE,  
NEW INDIA ASSURANCE BUILDING,  
87, MG ROAD, FORT MUMBAI-400001.

6. ORIENTAL INSURANCE COMPANY LTD.,  
REPRESENTED BY ITS CHAIRMAN-CUM-  
MANAGING DIRECTOR, HEAD OFFICE,  
24, WHITES ROAD, CHENNAI-600014.
  
7. UNITED INDIA INSURANCE COMPANY LTD.,  
REPRESENTED BY ITS CHAIRMAN-CUM-  
MANAGING DIRECTOR, HEAD OFFICE,  
24, WHITES ROAD, CHENNAI-600014.

R1 BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL  
R3 BY SRI.S.EASWARAN, SC  
R4 BY SRI.P.K.MANOJ KUMAR, SC  
R7 BY SRI.P.K.MANOJKUMAR, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 03-07-2018, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

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APPENDIX

PETITIONERS' EXHIBITS:

- EXHIBIT P1 TRUE COPY OF THE FILE NOTE IN FILE NO.11012/07/2010-INS.III (PART) OF THE 1ST RESPONDENT, CONTAINING NOTES PERIODS FROM 5-11-2012 TO 20-11-2012.
- EXHIBIT P2 TRUE COPY OF THE LETTER P.NO.S-11012/01/2011-INS.1 DATED 7-1-2013 ISSUED BY 1ST RESPONDENT TO 3RD RESPONDENT.
- EXHIBIT P3 TRUE COPY OF LETTER NO.CO/ERA/PENSION DATED 18-12-2013 ISSUED BY THE 3RD RESPONDENT TO 1ST RESPONDENT.
- EXHIBIT P4 TRUE COPY OF LETTER NO.CO/ERA/PENSION DATED 4-7-2014 ISSUED BY THE 3RD RESPONDENT TO 1ST RESPONDENT.
- EXHIBIT P5 TRUE COPY OF EMAIL DATED 1-9-2014, SENT BY 1ST RESPONDENT TO 3RD RESPONDENT.
- EXHIBIT P6 TRUE COPY OF LETTER NO.CO/PER/ERA/2014-15/GOVT. DATED 30-10-2014 ISSUED BY 3RD RESPONDENT TO 1ST RESPONDENT.
- EXHIBIT P7 TRUE COPY OF THE LETTER NO.CO/PER/ER/A/G/2017/GOVT. DATED 25-4-2017 ISSUED BY 3RD RESPONDENT TO 1ST RESPONDENT.
- EXHIBIT P8 TRUE COPY OF THE LETTER DATED 30-8-2013 SUBMITTED BY 2ND RESPONDENT TO 1ST RESPONDENT.
- EXHIBIT P9 TRUE COPY OF THE LETTER DATED 22-8-2016 SUBMITTED BY 2ND RESPONDENT TO 1ST RESPONDENT.
- EXHIBIT P10 TRUE COPY OF THE LETTER DATED 17-3-2017 SUBMITTED BY 2ND RESPONDENT TO 1ST RESPONDENT.
- EXHIBIT P11 TRUE COPY OF THE LETTER F.NO.S-11012/01/2011-INS.1 DATED 5-6-2017 ISSUED BY 1ST RESPONDENT TO 2ND RESPONDENT.
- EXHIBIT P12 TRUE COPY OF THE LETTER F.NO.5-11012/01/2011-INS.1 DATED 5-6-2017 ISSUED BY 1ST RESPONDENT TO 3RD RESPONDENT.
- EXHIBIT P13 TRUE COPY OF REPRESENTATION DATED 17-10-2017 SUBMITTED BY 1ST PETITIONER TO 1ST RESPONDENT.

RESPONDENTS' EXHIBITS: NIL

/TRUE COPY/

P.S.TO JUDGE

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04.07.2018.

**P.V.ASHA J.**

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**W.P.(C).No.21918 of 2018**  
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Dated this the 3<sup>rd</sup> day of July, 2018

**J U D G M E N T**

Employees, who retired from service from various Insurance Companies, have filed this writ petition aggrieved by the denial of option to come over to the pension scheme which was introduced in public sector insurance companies in the year 1995. According the petitioners, several of the employees were not able to submit option on account of the financial stringency as they had to refund the provident fund amount for coming over to pension scheme. They pointed out that a further option was granted in public sector banks and similarly situated employees in the banks could avail the benefit of the scheme on

the basis of the orders issued on 27.04.2010, by the Government of India. But in their case though the insurance companies had requested the Government for extending such a benefit to the retired hands from the public sector insurance companies, it was rejected by the Government of India as per order issued on 05.06.2017. Aggrieved by the same, the first petitioner has submitted Ext.P13 representation before the first respondent requesting to reconsider the decision dated 05.06.2017 and to extend the facility for submitting option to come over to the pension scheme as given in Public Sector Banks.

2. I heard the counsel on both sides.

In view of the limited relief sought in this writ petition, I direct the first respondent to consider and pass orders on Ext.P13 representation, after

affording an opportunity of hearing to the first petitioner, within a period of 'three months' from the date of receipt of a copy of the judgment.

The writ petition is disposed of accordingly.

Sd/-

**P.V.ASHA, JUDGE.**

AS