

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1721 of 2011

In

Civil Writ Jurisdiction Case No. 6427 of 2009

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Malay Kumar Lala S/O Late Dr. J. K. Lala R/O 80, Patliputra Colony, P.O.
& P.S.- Patliputra, Distt.-Patna - 800013

.... Petitioner/Appellant

Versus

1. The Oriental Insurance Co. Ltd. through its Chairman cum Managing Director Oriental House, P.B. No.-7037, A-25/27, Asaf Ali Road, New Delhi - 110002
2. The Chairman cum Managing Director the Oriental Insurance Co. Ltd., Oriental House, P.B. No. - 7037, A-25/27, Asaf Ali Road, New Delhi - 110002
3. General Manager, the Oriental Insurance Co. Ltd., Oriental House, P.B.No. - 7037, A-25/27 Asaf Ali Road, New Delhi - 110002
4. Chief Regional Manager, the Oriental Insurance Co. Ltd., Regional Office, Pirmohani, Kadamkuan, P.O. and P.S.- Kadam Kuan, Patna-3
5. Regional Manager, the Oriental Insurance Co.Ltd., Regional Office, Pirmohani, Kadamkuan, P.O. and P.S.- Kadam kuan, Patna-3

.... Respondents/Respondents

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Appearance :

For the Appellant/s : Mr. Yugal Kishore, Sr.Advocate with
Mr. Virendra Prasad, Advocate

For the Respondent/s : Mr. Y.V.Giri, Sr.Advocate with
M/S Sanjay Singh & Bimlesh Kr.Jha,
Advocates

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

11 27-01-2015 Mr. Y.V.Giri, learned Sr.Counsel for the respondent Oriental Insurance Company Ltd. submits that the appeal is not maintainable in view of the alternative stand taken by the petitioner-appellant before the writ court that if the respondent Insurance Company has taken a stand that the petitioner no longer survives on the rolls of the Insurance Company as an officer of

Scale-IV then continuance of the departmental proceeding against him be declared as a nullity in the eyes of law and the respondents be directed to pay the terminal benefits to the petitioner forthwith, which is essentially the relief that ultimately this Court granted to the appellant in the writ petition and thus it is not open to the appellant to file an appeal against the said order.

Learned counsel for the appellant is unable to meet the said contention of learned counsel for the respondents.

In the aforesaid view of the matter, the appeal is dismissed as not maintainable.

It is informed by learned counsel for the respondent Insurance Company that during the pendency of the appeal the respondents had sought to handover a cheque for the entire retiral dues of the appellant-petitioner which was refused. Let the said amount be now paid to the appellant, as is agreed to be accepted by learned counsel for the appellant, within a period of four weeks from today.

(Ramesh Kumar Datta, J)

(Vikash Jain, J)

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