

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.39729 of 2015

Dated : 08.12.2015

Between:

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G. Jyothsna, W/o.Late Ch.Srinivasa Nageswara Rao,
Aged 38 yrs, R/o.D.No.1-5-502/4,
Suryanagar, Ambedkarnagar Colony,
Old Alwal, Secunderabad –500 010

.. Petitioner

And

Life Insurance Corporation Of India,
Rep., by its Chairman, Central Office,
Yogakshema, Mumbai-400 021 & 4 others.

.. Respondents

This Court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

The petitioner is working as higher grade Assistant in Life Insurance Corporation of India (LIC of India). The disciplinary proceedings initiated against her resulted in imposing the punishment of reduction by three stages in the time scale of pay applicable to her cadre in terms of Regulation No.39 (1) (d). The order also contemplates recovery of pecuniary loss caused to the Corporation to a tune of Rs.6 Lakhs in terms of Regulation 39 (1) (c) of LIC of India (Staff) Regulations, 1960. Aggrieved by the order of Senior Divisional Manager, the petitioner preferred appeal to the Zonal Manager, LIC of India, Hyderabad (2nd respondent) on 18.11.2015 and the appeal is pending consideration of the appellate authority. While so, she was served with a letter dated 14.11.2015 directing the petitioner to pay the loss quantified by the disciplinary authority. Thus, though the appeal is pending petitioner invoked the jurisdiction of this Court.

2. Heard learned counsel for the petitioner and learned Standing counsel for the respondent-Corporation.

3. Learned counsel for the petitioner contends that though the petitioner has preferred appeal, so far the same is not disposed of and on the contrary respondent authorities pressuring petitioner to pay the alleged loss caused. This action amounts to arbitrary exercise of power.

4. While imposing punishment, an amount of Rs.6 lakhs is quantified as loss caused to the respondent-Corporation and intend to recover the same. As per the service Regulations of the respondent-Corporation, the petitioner has valuable right in the form of appeal and such right is exercised by the petitioner by filing appeal on 18.11.2015. As appellate authority, the Zonal Manager, is competent to examine

the matter on merits, including the decision of imposing punishment as well as recovery of the amount quantified. It is seen from the material on record that the petitioner is aged about 38 years and she has approximately 22 years of service to go. Thus, when an appeal is preferred and the same is pending and moreover when the petitioner has long service to go, there is no justification to order for recovery of the amount quantified by the disciplinary authority.

5. Having regard to the above, the Writ Petition is disposed of directing the 2nd respondent to pass orders on the appeal preferred by the petitioner on 18.11.2015 as expeditiously as possible. The respondent-Corporation is directed not to recover the amount quantified by the disciplinary authority till passing of the orders by the 2nd respondent. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

08th December, 2015
Rds