

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.42749/2016

S.Kannan

..

Petitioner

Vs.

1.The Chairman-cum-Managing Director
United India Insurance Company Limited
No.24, Whites Road, Chennai 600014.

2.The Assistant General Manager
Head Office, United India Insurance
Co.Ltd., Chennai 600 014.

3.The Regional Manager
United India Insurance Co. Ltd.,
Regional Office, No.364-367,
Dr.Nanjappa Road,
Coimbatore 641 018.

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Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 1st respondent herein to consider petitioner representation dated 08.04.2015 within a time frame to be fixed by this Court.

For Petitioner: Mr.K. Arangeswarn

For R1 to R3 : Mrs.R.Srividya

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioner, while working as the Development Officer in the services of the 3rd respondent, was visited with disciplinary proceedings in the form of charge memo and he has also submitted his written statement of defence and thereafter, an Enquiry Officer

was appointed and he concluded that the charge framed against the petitioner, has been proved. The 3rd respondent, vide order dated 11.07.2003, has removed the petitioner from service and the Appellate Authority, has also confirmed the said punishment. The petitioner, challenging the legality of the order, filed WP.No.19291/2004 and this Court, vide order dated 03.08.2009, has modified the order of removal from service to one of "reduction of basic pay in one step in the time scale applicable to the petitioner" and the respondents herein, aggrieved by the order in allowing the writ petition, filed WA.No.1538/2009 and vide judgment dated 01.12.2011, the Division Bench of this Court has allowed the writ appeal. The grievance expressed by the petitioner is that he has not been paid a single rupee during the whole period of the disciplinary proceedings from 23.08.2001 till the final order of the Appellate Authority on 19.04.2004 and he has not been paid with the subsistence allowance and in this regard, the petitioner has submitted a representation dated 08.04.2015, praying for disbursal of the subsistence allowance as well as the settlement of gratuity and Provident Fund and it was also followed by a legal notice dated 16.06.2015 and despite, the receipt and acknowledgment, he is yet to be favoured with any kind of response and hence, the petitioner has come forward to file the present writ petition.

3 Heard the submissions of the learned counsel for the petitioner and Mrs.R.Srividya, learned counsel who accepts notice on behalf of the respondents.

4 This Court, taking into consideration, the limited scope of prayer sought for by the petitioner and without going into the merits of the same, permits the petitioner to submit one more representation along with a copy of this order as well as the copy of the earlier representation dated 08.04.2015 to the 3rd respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the 3rd respondent is directed to consider the same on merits and in accordance with law and pass orders within a period of ten weeks thereafter and communicate the decision taken, to the petitioner herein.

5 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

AP

To

- 1.The Chairman-cum-Managing Director
United India Insurance Company Limited
No.24, Whites Road, Chennai 600014.
- 2.The Assistant General Manager
Head Office, United India Insurance
Co.Ltd., Chennai 600 014.
- 3.The Regional Manager
United India Insurance Co. Ltd.,
Regional Office, No.364-367,
Dr.Nanjappan Road,
Coimbatore 641 018.

1 cc to M/s.K. Arangeswaran, Advocate, Sr. 71957

WP.No.42749/2016

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RK (CO)

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