

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2016

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THE HONOURABLE MR. **JUSTICE R.SUBBIAH**

Writ Petition No.7710 of 2016

R.K.Natarajamoorthi

... Petitioner

vs.

1. The Chairman and Managing Director,
New India Assurance Company Limited,
Registered and Head Office,
New India Assurance Building,
No.87, M.G. Road, Fort,
Mumbai-1.
2. The Deputy General Manager,
New India Assurance Company Limited,
Registered and Head Office,
New India Assurance Building,
No.87, M.G. Road, Fort,
Mumbai-1.
3. The Manager and Disciplinary Authority,
New India Assurance Company Limited,
Regional Office 72000,
Obli Towers, DB Road, R.S.Puram,
Coimbatore-641 002.
4. The Chief Regional Manager,
New India Assurance Company Limited,
Regional Office 72000,
Obli Towers, DB Road, R.S.Puram,
Coimbatore-641 002.

... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the 1st respondent to dispose of the petitioner's memorial dated 14.12.2015.

For Petitioner : Mr.S.Vijayakumar

For Respondents : Mr.V.Perumal

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the 1st respondent to dispose of the petitioner's memorial dated 14.12.2015.

2. The case of the petitioner is that he joined the New India Assurance Company Limited as an Inspector/Development Officer on 25.07.1984 and was allotted to Ooty Division, on completion of probation period from February to April, 1984 and till date he was holding the post as Development Officer. While so, a charge memo dated 09.07.2012 alleging acts of omission and commission in respect of renewal of medi-claim policy issued to one S.Puttarajappa was issued on him and the petitioner submitted his explanation to the same on 27.11.2012. Thereafter, an enquiry was conducted and the Enquiry Officer submitted his report on 14.12.2012 and the same was

communicated to the petitioner on 18.12.2012 seeking further explanation. The petitioner submitted his explanation to the said second show cause notice on 22.01.2013. Thereafter, based upon the Enquiry Report, the Disciplinary Authority, namely, the 3rd respondent passed an order of dismissal from service vide Proceedings No.CBE-RO-VIG/SN, dated 06.02.2013. Challenging the same, the petitioner preferred an appeal to the Appellate Authority, the 2nd respondent herein on 07.03.2013.

3. Thereafter, the petitioner sent a letter to the 4th respondent seeking an opportunity to put forth his case. Though an opportunity was granted, the petitioner could not make it the same due to ill health. Thereafter, on the requisition made by the petitioner, once again an enquiry was conducted and the Enquiry Officer submitted his report on 13.06.2013 with the findings that all the charges stand proved fully and based upon the same, the another show cause notice dated 26.06.2013 was communicated to the petitioner. The 4th respondent passed an order dated 25.03.2014 confirming the order of dismissal. The petitioner preferred an appeal against the same.

4. The 2nd respondent disposed of the two appeals by a common order dated 03.08.2015 rejecting both the appeals.

Thereafter, the petitioner preferred a memorial to the first respondent in terms of the Rule 40 of the New India Assurance Company Limited (Conduct, Discipline and Appeal) Rules, 2003 on 14.12.2015. But the same has not been disposed of till date. Hence, the present Writ Petition seeking to dispose of the Memorial dated 14.12.2015 at the earliest.

5. I have heard the learned counsel appearing for the petitioner and the learned counsel, who has taken notice on behalf of the respondents.

6. Considering the limited prayer made in the Writ Petition, without expressing any opinion about the merits of the claim of the petitioner, this Court directs the 1st respondent to dispose of the petitioner's Memorial dated 14.12.2015 on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this Order.

7. The Writ Petition is disposed of accordingly. No costs.

03.10.2016

Index:Yes/No

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To

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