



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.12.2016**

CORAM:

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

AND

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

W.A. [MD] .No.1046 of 2016

M.Selvaraj

: Appellant/Petitioner

Vs.

The Chief Regional Manager/Disciplinary Authority,
United India Insurance Co. Ltd.,
Regional Office,
Madurai District.

: Respondent/Respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order of a learned Single Judge dated 08.06.2016, made in W.P.(MD).No.10149 of 2016.

Prayer in Wp No.10149 of 2016

Writ Petition filed under Article 226 of the Consitution of India for the issuance of a writ of Certiorarified Mandamus calling fir the records Pertaining to the impugned order in Ref.No.MDU. Ro RM SECT 034 2006 dated 04.12.2006 quash the same as illegal and consequently direct the respondent to Consider the Petitioner's request for reinstatement in respondent office.

For Appellant

: Mr.R.Venkatesan

For Respondent

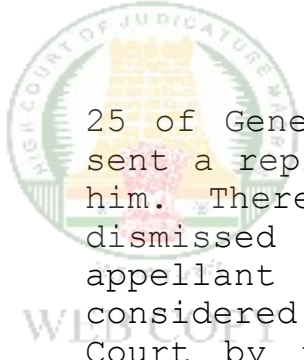
: Mr.G.Prabhu Rajadurai

JUDGMENT

[Judgment of the Court was delivered by **R.SUBBIAH, J.**]

The present Writ Appeal has been filed as against the order of the learned Single Judge dated 08.06.2016, made in W.P.(MD). No.10149 of 2016, whereby and whereunder, the learned Single Judge has dismissed the Writ Petition filed by the appellant to quash the impugned order in REF.No.MDU:RO RM SECT 034 2006, dated 04.12.2006 and to direct the respondent to consider his request for reinstatement in the respondent's Office.

2. The case of the appellant is that he was temporarily appointed as Sub-Staff in the respondent/Insurance Company on 10.03.1988 and got confirmation on 10.09.1988. His nature of duty was to deposit the cash and cheque collection in the bank. While so, on 30.03.2006, he misappropriated the collection amount of Rs.33,613/-, which was handed over to the appellant to deposit the same in the bank account. However, he spent the amount to his daughter's marriage, but, later on, he repaid the said amount. Hence, he was issued with a charge memo on 02.05.2006, under Rule



25 of General Insurance Company (CDA) Rules, 1975, for which, he sent a reply on 16.05.2006, admitting the charges levelled against him. Thereafter, on the basis of the inquiry report, he was dismissed from service by impugned order dated 04.12.2006. The appellant filed an appeal through Union, but, that was not considered by the respondent and hence, he has approached this Court by filing the Writ Petition. However, the learned Single Judge has dismissed the Writ Petition holding that the appellant was dismissed from service on 04.12.2006 and having kept quiet for more than ten years, he had approached the Court only in the year 2016 and, therefore, no sufficient cause or reason to condone the huge and inordinate delay of 10 years, was assigned. Aggrieved over the same, the present Writ Appeal has been filed.

3. When the Writ Appeal came up for admission before this Court, this Court orally instructed the learned counsel for the respondent to find out as to whether there is possibility to reinstate the appellant in service considering his claim sympathetically. On instructions, the learned counsel for the respondent reported that since ten years had lapsed, now, it is not possible to reinstate him in service. Moreover, the past conduct of the appellant is also not conducive. In this regard, the learned counsel has produced various documents to show the action taken by the respondent against the appellant. As rightly contended by the learned Single Judge, we are also of the opinion that since ten years had lapsed and the conduct of the appellant in keeping quiet for the past ten years also would show that he has accepted the punishment imposed, at this juncture, this Court cannot give any direction to the respondent to reinstate the appellant in service. Therefore, we do not find any infirmity in the order passed by the learned Single Judge. The reason assigned by the learned Single Judge appears to be reasonable and, therefore, we are not inclined to entertain the Writ Appeal. The Writ Appeal is dismissed accordingly. No costs.

Sd/-

Assistant Registrar ()

/TRUE COPY/

Sub Assistant Registrar

To

The Chief Regional Manager,
United India Insurance Co. Ltd.,
Madurai.

+1 cc to M/s.R.Venkatesan,ADVOCATE, SR NO:83223

+1 cc to M/s.G.Prabhu Rajadurai,ADVOCATE, SR NO:83321

SML

AE/2p/4c/10.01.2017

Judgment made in
W.A. (MD) No.1046 of 2016
22.12.2016