

In the High Court of Judicature at Madras

Dated : 17.11.2017

Coram :

The Honourable Mr.Justice T.RAJA

Writ Petition No.29391 of 2017

M.Shanmuga Raja

...Petitioner

Vs

1. The Chairman-cum-Managing Director,  
Board of Directors,  
United Indian Insurance Company Limited,  
No.24, Whites Road,  
Chennai - 600 014.
2. United Indian Insurance Company Limited,  
Rep. by its General Manager,  
No.24, Whites Road,  
Chennai - 600 014.
3. The Deputy General Manager,  
United Indian Insurance Company Limited,  
No.24, Whites Road,  
Chennai - 600 014.
4. The Regional Manager,  
United Indian Insurance Company Limited,  
Regional Office, 1<sup>st</sup> Floor,  
No.7-A, West Veli Street,  
Madurai-625 001.

...Respondents

Prayer : This Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for all the records relating to the order of the third respondent in his proceedings HO:HRM:550 dated 29/02/2016 and to quash the same and by directing the respondents to reinstate the petitioner in service with service and monetary benefits.

For Petitioner : Mr.R.V.R.Deena Dayalan

#### O R D E R

The petitioner seeks to quash the impugned proceedings dated 29.02.2016 of the third respondent / the Deputy General Manager, United India Insurance Company Limited, Chennai, in and

by which, the representation dated 13.11.2015 of the petitioner requesting the authorities to reinstate him in service was rejected.

2. Learned counsel appearing for the petitioner submitted that while the petitioner was serving as a Development Officer in the respondent Insurance company, he was removed from service by an order dated 09.12.2002. As against that, when he preferred an appeal, the same was also dismissed by the Appellate Authority on 17.11.2003 confirming the order of dismissal from service. Aggrieved by this, though he filed a Writ Petition (MD) No. 2829 of 2009, the same was dismissed on 29.06.2006 and thereafter, when he filed Writ Appeal (MD) No. 475 of 2006, the Hon'ble Division Bench of this Court, vide order dated 24.01.2007, dismissed the same with liberty to make a representation to the authority concerned and thereby the concerned authority was directed to consider the same afresh.

3. Pursuant to the order of this Court, the petitioner has made a representation dated 20.12.2010 to reconsider his claim, however, since his representation was not considered, he again approached this Court by filing a Writ Petition No. 1389 of 2011, whereby this Court, by order dated 16.06.2011, directed the concerned authority to consider and dispose of his representation within a period of 8 weeks. In pursuance to this order, his representation was rejected by the authorities on 22.08.2011. Aggrieved by this, though he filed a Writ Petition (MD) No. 12689 of 2011, the same was dismissed on 05.06.2015 and in the appeal also, the Hon'ble Division Bench of this Court dismissed the appeal vide W.A. (MD) No. 1137 of 2016, dated 27.02.2016.

4. With the above background of the case, it is further contended that during the pendency of the Writ Petition (MD) No. 12689 of 2011, the Hon'ble Apex Court, vide Crl.A.Nos. 1872 to 1873 of 2014 and SLP (crl.) Nos. 8630 to 8631 of 2012, dated 03.11.2015, while dealing with the similar rules and regulations, confirmed the order passed by the Karnataka High Court holding the General Insurance (Conduct, Discipline and Appeal) Rules 1975 (in short "CDA Rules") as invalid from 03.11.2015. Therefore, it is contended that, during the pendency of the Writ Petition (MD) No. 12689 of 2011, since the petitioner was unaware of the judgment of the Hon'ble Apex Court holding the CDA rules as invalid, he preferred a fresh representation 13.11.2015 to the authorities to reconsider the order of removal. However, his request was again rejected by the third respondent on 29.02.2016, which is impugned herein. Thus, it is contended, the impugned order passed by the third respondent without taking note of the order passed by the Hon'ble Apex Court is liable to be interfered with.

5. This Court is unable to find any merit on the above said submissions of the learned counsel for the petitioner. The sole contention of the petitioner is that the services of the petitioner were terminated only on the basis of the CDA Rules, which was, as stated above, confirmed by the learned Single Judge as well as the Hon'ble Division Bench of this Court. However, such contention, in my view, does not carry any merit, for, the Hon'ble Apex Court, while confirming the order passed by the Karnataka High Court, made it clear that the CDA rules are invalid only with effect from 03.11.2015, therefore, when the petitioner was terminated from service on 09.12.2002, which is 13 years prior to the order passed holding CDA rules as invalid, reliance placed on the order passed by the Hon'ble Apex Court cited supra cannot be made application with retrospective effect to the case of the petitioner.

6. Thus, on this count, I do not find any merit in the writ petition and accordingly, it is dismissed as devoid of any merit. No Costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vum/rkm

sm:4.12.2017

W.P.No.29391 of 2017

सत्यमेव जयते

WEB COPY