

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.4670 OF 2009

ORDER

Heard learned counsel appearing for the petitioner and learned Standing Counsel appearing for respondent-Life Insurance Corporation of India.

The only point involved in the present writ petition is with regard to affording opportunity to the petitioner pursuant to the submission of an enquiry report on the irregularities committed by him.

The petitioner, while working as Cashier in the respondent-Corporation, committed certain irregularities. Hence, a charge sheet dated 20.09.2008 was issued to him. After receiving the charge sheet, he submitted his explanation. In those circumstances, an Enquiry Officer was appointed to enquire into the charges levelled against him. The Enquiry Officer conducted enquiry and submitted a report on 5.11.2008 holding that the charges levelled against the petitioner were proved. A copy of the enquiry report dated 5.11.2008 was furnished to the petitioner,

who submitted his comments *vide* letter dated 24.11.2008, admitting the charges levelled against him *vide* charge sheet dated 20.09.2008 unconditionally, begged for pardon and requested for giving one more opportunity to prove himself in the Corporation. A show cause notice was issued giving 15 days time to show cause as to why the punishment of recovery of pecuniary loss of Rs.2,41,376/- and removal from service shall not be imposed on him. The said show cause notice was received by the petitioner on 4.2.2009, for which, he addressed a letter on 18.2.2009 i.e., one day before the expiry of time to give reply/explanation. The said letter was received by the respondents on 20.02.2009 and on the same day, the order of removal was passed by the disciplinary authority. Challenging the same, the present writ petition is filed.

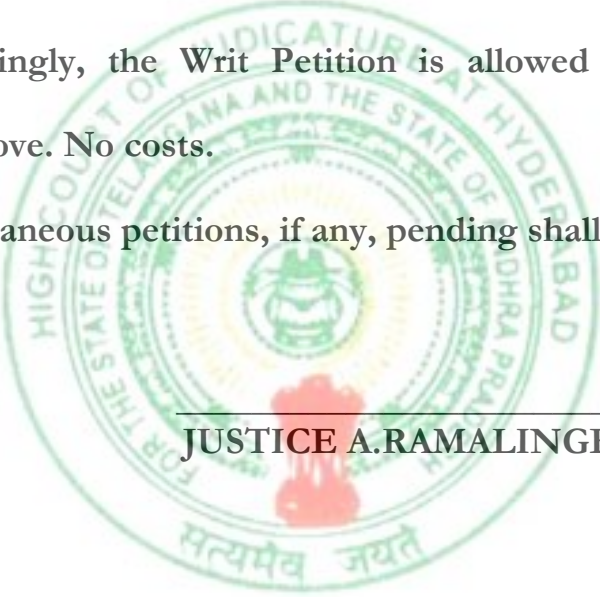
The above facts are not in dispute. The disciplinary authority should have waited at least for a few days after expiry of the period of 15 days. But, the authority calculated the time mathematically and passed the impugned order immediately after expiry of 15 days mentioned in the show cause notice. The petitioner in his reply to the enquiry report admitted the

allegations, sought pardon and requested to give one more opportunity to him.

In view of the above, the impugned order is set aside and the matter is remanded to the disciplinary authority-1st respondent. The petitioner is permitted to submit his explanation on or before 22.07.2017 and the 1st respondent is directed to pass orders afresh giving reasons.

Accordingly, the Writ Petition is allowed to the extent indicated above. No costs.

Miscellaneous petitions, if any, pending shall stand closed.



JUSTICE A.RAMALINGESWARA RAO

12th July, 2017
rkk

*Note: Despatch copy of the order
by Monday.*