

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.21353 of 2017 (O&M)

Date of Decision:20.09.2017

Navjot Lehal

... Petitioner

Vs.

L.I.C. of India and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Petitioner in person.
 Mr. Anupam Gupta, Sr. Advocate with
 Mr. Akshay Jain, Advocate and
 Mr. Ashok Kumar, Advocate for Caveator-respondent.

P.B. BAJANTHRI J. (Oral)

Petitioner in person has challenged the validity of order of removal from service dated 30.01.2016 (Annexure P-1) while contending that she has no remedy. To that extent she has made an averment in para-91 which reads as under:

“91. That there is no other remedy of appeal or revision against the impugned orders/actions available to the petitioner except to approach this Hon'ble High Court by way of the present writ petition under Articles 226/227 of the Constitution of India.”

Whereas perusal of Regulation 40 read with schedule I of Life Insurance Corporation of India (Staff) Regulation 1960 (for short “Regulation”), it is evident that there is provision against order of removal from service.

At this stage, petitioner in person argued that under Regulation 40, there is an exemption for filing appeal.

Regulation 40 reads as under:

“Right of Appeal:

40. Every employee shall have a right of appeal to the appellate authority specified in Schedule I against an order imposing upon him any of the penalties specified under Regulation 39. An appeal against an order of suspension passed under Regulation 36 shall lie to the authority to which the authority which made or is deemed to have made the order of suspension is immediately subordinate. Notwithstanding anything contained in this regulation and subject to the provisions of the Life Insurance Corporation Act, Rules and Regulation no appeal (to the Corporation) shall lie against an order made by the Corporation under Regulation 36 or Regulation 39.”

If any order is passed under Regulation 39 by the Corporation, in that event, there is an exemption for filing appeal. In the present case, petitioner's appointing authority is Senior Divisional Manager, who is also the disciplinary authority and has passed the order of removal from service. Therefore, an appeal would lie in terms of Regulation 40.

In view of the above, writ petition is not maintainable.

Accordingly, petition stands dismissed for non availing of alternative remedy. Petitioner is at liberty to file appeal. If there is a delay in filing appeal, petitioner is permitted to file application for condonation of delay and appellate authority is directed to consider the delay and proceed to pass orders on merit.

20.09.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No