

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2018

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No.10421 of 2003

M.Govindasamy

... Petitioner

Vs.

1.Life Insurance Corporation of India
Rep by Chairman
Central Office
"Yoga Khhema"
Nariman Point
Bombay - 400 021.

2.The Senior Divisional Manager (Disciplinary Authority)
Divisional Office
Gandhiji Road, P.B.No.39, Thanjore-613 001.

3.The Branch Manager
Life Insurance Corporation of India
Nagapattinam Branch Office
Nagapattinam.

...Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records on the file of the second respondent pertaining to the impugned order dated 05.10.2002 bearing No.Ref.P&IR and quash the same.

For Petitioner : Mr.R.Revathy for M/s.M.Rangarajulu

For Respondents: Mr.C.K.Chandrasekar, Standing Counsel

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O R D E R

The petitioner was a Development Officer in the Life Insurance Corporation of India. He was served with the show cause notice dated 05.10.2002, as to why he should not be held guilty of the charges as set out in the Charge-sheet dated 06.06.2001 and why the penalty of removal from service should not be imposed upon him. The said show cause notice has been challenged

by the petitioner in this writ petition, which was filed on 01.04.2003 and this court at the time of admission of the writ petition by order dated 04.04.2003 in W.M.P.No.13183 of 2003 had granted interim stay of the impugned show cause notice for a period of four weeks.

2.However, it appears that the respondents had issued final orders on 29.05.2003 removing the petitioner from service in pursuance of the impugned show cause notice dated 05.10.2002. Subsequently, this court by order dated 12.08.2003, recording that final orders had been passed removing the petitioner from the service had dismissed the application for stay and allowed the application bearing W.M.P.No.115 of 2003 for vacating the interim order granted on 04.04.2003. The writ petitioner had also filed a contempt petition bearing Contempt Petition No.485 of 2003 alleging that the violation of the interim order and this court by order dated 25.08.2003 on recording the facts had dismissed the contempt petition.

3.Learned counsel for the respondents submits that as against the order of removal, the petitioner had filed a belated appeal dated 20.10.2003 to the Zonal Manager of the respondent Corporation, who rejected the same by order dated 07.07.2004 and though thereafter the memorial dated 10.03.2006 was submitted to the Chairman of the respondent Corporation as provided under Regulation 49 of the Life Insurance Corporation of India (Staff) Regulations, 1960 it was also rejected by order dated 14.02.2007 and the matter has attained finality having not been challenged in a manner recognised by law.

4.Be that as it may, it requires to be pointed out here that at the time of admission of this writ petition on 04.04.2003, this court has passed the following order:-

"Though the impugned order is a show cause notice as against the proposed punishment after the conclusion of the enquiry, the learned counsel points out certain defects in the process of enquiry, namely the Enquiry Officer putting several questions to the delinquent/petitioner.

Admit
Issue Rule Nisi
Call for records in eight weeks."

Again, at the time of vacating the interim order on 12.08.2003, this court has observed as follows:-

"It is stated across the Bar that already final orders have been passed by the respondent removing the

petitioner from service. The counsel Mr.R.Viduthalai, represents that he has taken out an application to amend the relief prayed for this writ petition. It is for the petitioners to take appropriate application or take such action as it is open to them. The question of grant or continuance of stay will not arise as already final orders have been passed imposing the penalty of removal from service. Hence WPMP No.13183 of 2003 is dismissed. Consequently WVMP No.115 of 2003 is allowed."

As the petitioner does not appear to have made any application so far for amending the relief sought in the writ petition, it is not possible for this court to adjudicate upon any of the contentions relating to the defects in the process of enquiry. However, having due regard to the fact that the writ petition challenging the show cause notice which has been pending till today before this court, in order to ensure that the ends of justice is not defeated, liberty is granted to the petitioner to impeach the final order dated 14.02.2007 passed by the Chairman of the Respondent Corporation rejecting the Memorial presented by the petitioner, in appropriate legal proceedings, if the same is initiated by 31.07.2018, so as to ventilate his grievances with regard to the defects in the process of enquiry that has been raised in this writ petition.

5.The writ petition is disposed with the aforesaid observations. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1.Life Insurance Corporation of India
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Gandhiji Road, P.B.No.39, Thanjore-613 001.

3.The Branch Manager
Life Insurance Corporation of India
Nagapattinam Branch Office
Nagapattinam.

+1cc to Mr.C.K.Chandrasekar, Advocate, S.R.No.41288

+1cc to M/s.M.Rangarajulu, Advocate, S.R.No.41763

W.P.No.10421 of 2003

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