

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 2809 of 2016

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Shiv Shankar Gupta, Son of Late Rameshwar Prasad Gupta, resident of R.B. Shiv Shankar Road, Bhikhanpur Post Office G.P.O. Bhagalpur, Police Station Tilka Manjhi, District Bhagalpur.

... .. Petitioner/s

Versus

1. The Oriental Insurance Company Limited through Geberal Manager Oriental House, P B No – 7037, A-25/27, Asaf Ali Road, New Delhi – 110 002
2. G.M.
3. The Dy. General Manager, The Oriental Insurance Co. Ltd. Head Office, New Delhi.
4. The Assistant General Manager, Oriental House, P.B. No. 7037, A - 25/27 Asaf Ali Road, New Delhi – 110 002
5. The Regional Manager, Regional Office, Oriental Insurance Company Limited, Pirmohani, Rajendra Path, Patna – 800 003
6. The Divisional Manager, Oriental Insurance Co. Ltd. Divisional Office, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Hansraj, Advocate
For the Respondent/s : Mr Satyabir Bharti, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 28-03-2019

At the very outset, learned counsel for the respondents takes an objection to maintainability of the writ proceedings filed in the year, 2016 assailing the order of dismissal passed in the year, 2006. Learned counsel for the petitioner asserts that the matter was being pursued by the petitioner through his counsel before the authorities till as late as 2013. However, the same has not yielded any result.

At this juncture, the respondent-Insurance Company



submits that the petitioner should approach the Appellate Authority before directly rushing to this Court.

The issues raised by the petitioner are touching upon various issues arising at various places of his posting in relation to which the allegations have been made against the petitioner. It is also submitted that the punishment is disproportionate to the allegation.

Taking into consideration the circumstances and submission of parties, writ petition is being disposed of with liberty to the petitioner to avail the remedy before the Appellate Authority.

Since the issue of maintainability, due to availability of adequate alternative remedy, has been raised by the respondents in the instant proceeding, this Court would only observe that the appeal of the petitioner shall be decided on its own merit in accordance with law without raising the issue of its being barred by delay.

(Madhuresh Prasad, J)

M.E.H./-

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