IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 16067 of 2005

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Chandu Soren, son of Sri Chotka Soren @ Baidyanath Soren, resident of Mohalla – Pradhan Tola, Ward No 5 Post & District – Purnea. Presently working as Assistant, Life Insurance Corporation of India, Branch office at Madhubani, Khadi Gramodyoga Bhawan, Madhubani

... ... Petitioner/s

Versus

1 Life Insurance Corporation of India through its Chairman, Life Insurance Corporation of India, Central Office, Yogakshrma Jeevan Bima Marg, Mumbai – 400 021

2 Zonal Manager, Life Insurance Corporation of India, Eastern Zonal Office, Hindustan Building 4th Chitranjan Avenue, Kolkata – 700 072

3 Senior Divisional Manager, Life Insurance Corporation of India, Jeevan Prakash, Umashankar Prasad Marg, Muzaffarpur – 842 002

4 Branch Manager, Life Insurance Corporation of India, Madhubani Branch, Madhubani, Khadi Gramodyog Bhawan, Madhubani

... ... Respondent/s

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For the Petitioner/s : Mr Mukesh Pd Singh, Advocate
For the Respondent/s : M/s Rakesh Kr, Abhimanyu Vatsa, Rajnikant Singh & Ms Priti Jaiswal, Advocates

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 18-10-2019

Heard learned counsel for the petitioner and the respondents.

2 Counsels are in agreement that the issue, whether late refund of amount of Leave Travel Concession (for brevity, LTC) advance would constitute a misconduct or not, now stands settled as per decision in CWJC No 12086 of 2009 (Ganga Safi -Versus-Life Insurance Corporation of India & Others), as well as decision of the Division Bench in LPA No 1275 of 2012 (Life Insurance Corporation of India & Others -Versus- Praful Chandra Jha). As per said decisions, the employee, at best, would be liable for refund of the amounts as per the procedure prescribed under the LTC Rules, 1994 of respondent-Corporation.

3 Having regard to the admitted position, based on precedents referred to by the learned counsels, the penalty, under order dated 23.09.2002 passed by respondent No 3, Senior Divisional Manager on allegation of late refund of amount of LTC, is unsustainable.

4 The order of punishment is, therefore, quashed. The order of the Appellate Authority dated 15.07.2003 rejecting the petitioner's appeal against the order of punishment dated 23.09.2002 affirming the order of punishment is also unsustainable for the same reason. Order of the Appellate Authority dated 15.07.2003, as well as order passed on the Memorial by the Chairman dated 06.07.2004, whereby the punishment has been upheld, is also quashed.

5 The petitioner, as a result, would be entitled to all consequential benefits, which would be subject to the decision of the Authorities under the LTC Rules of 1994.

6 Writ petition is allowed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.10.2019
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