

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.10713 of 1997

Date of decision: 25.02.2020

Devinder Kumar Singla

.....Petitioner

V/s.

United India Insurance Company Ltd. and others

.....Respondents

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Prem Nath Aggarwal, Advocate,
for the petitioner.

Mr. D.R. Bansal, Advocate,
for the respondents.

Sanjay Kumar, J. (Oral)

The petitioner entered the service of the United India Insurance Company Limited as a Development Officer in June, 1979. He was thereafter promoted as an Assistant Administrative Officer in 1986; as an Administrative Officer in 1991; and as a Branch Manager some time later. He came to be removed from service by the disciplinary authority, *vide* Office Order dated 30.10.1996 (Annexure P-6), on the ground that he had suffered conviction for an offence under Section 420 IPC, read with Section 109 IPC, in Criminal Appeal No. 618 DBA of 1995 and was sentenced to undergo one year rigorous imprisonment along with payment of fine of ₹10,000/-. His removal from service stood confirmed in appeal on 03.01.1997.

Perusal of the appellate order reflects that the appellate authority took note of the fact that the petitioner had only been granted bail by the Supreme Court in Special Leave to Appeal No. 3187 of 1996, filed by him against his conviction in the criminal appeal, but his conviction had not been

suspended.

Mr. Prem Nath Aggarwal, learned counsel for the petitioner, would inform this Court that the Supreme Court partly allowed the appeal filed by the petitioner and reduced his sentence from one year to three months. The conviction of the petitioner however stood confirmed thereby. Learned counsel would contend that as the Supreme Court took a lenient view in relation to the sentence, the respondent-Company also should reconsider as to whether the harsh penalty of removal from service was warranted, given the fact that the petitioner rendered 17 years of unblemished service and his conviction was not at all connected to his employment.

Perusal of the General Insurance (Conduct, Discipline and Appeal) Rules, 1975, reflects that the power of review is provided under Rule 39 thereof. As this case has been pending before this Court all these years and it would be appropriate for the respondent-Company to reconsider the matter, given the lenient view taken by the Supreme Court as aforesaid, the writ petition is disposed of permitting the petitioner to file an application under Rule 39 of the aforesaid Rules seeking review of the appellate order dated 03.01.1997. In the event such an application is filed, the same shall be considered by the appellate authority on its own merits and in accordance with law, without reference to the limitation aspect. The review application filed by the petitioner shall be disposed of expeditiously and in any event, not later than three months from the date of its submission.

No order as to costs.

25.02.2020

rakesh

(SANJAY KUMAR)
JUDGE

whether speaking/non speaking : Yes/no

whether reportable/non reportable : Yes/no