

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12840 of 2006

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Jagannath Mishra, Son of Late Shashi Nath Mishra, Resident of Flat No. 204,
Jawahar Apartment, New Patliputra Colony, Patna-800013.

... .. Petitioner/s

Versus

1. United India Insurance Co. Ltd. Having its registered and head office at 24 Whites Road, Chennai-600014 through its Chairman cum Managing Director.
2. The Chairman cum Managing Director, United India Insurance Company Ltd., 24 Whites Road, Chennai-600014.
3. General Manager cum Appellate Authority, United India Insurance Company Ltd., 24 Whites Road, Chennai-600014
4. Assistant General Manager cum Disciplinary Authority, United India Insurance Company Ltd., 24 Whites Road, Chennai-600014.
5. Commissioner for Departmental Inquiries and Inquiring Authority, Central Vigilance Commission, Government of India, New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raju Giri, Advocate
For the Respondent/s : None.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 09-12-2021

Heard learned counsel for the petitioner.

In the instant petition, petitioner has prayed for the
following reliefs:-

“(i) To issue an appropriate writs/orders/directions, in the nature of Certiorari for quashing the office order dated 31.3.2004 by which the Assistant General Manager cum Disciplinary Authority, in purported exercise of powers under Rule 23(g) of GI(CDA) Rules, 1975 (hereinafter referred to as the 'Rules'), has removed the petitioner from service and has further ordered for recovery from the petitioner, 50% of Rs.6,89,175.00, also Rs.1271.00 being the double payment received by him for two trips and further



Rs.200/- being amount misappropriated by him (as contained in Annexure-10).

(ii) To issue an appropriate writs/orders/directions, in the nature of Certiorari for quashing the office order dated 30.3.2005 by which the General Manager cum Appellate Authority has rejected the appeal preferred by the petitioner in terms of Rule 37(2) and has confirmed the order dated 31.3.2004 passed by the Disciplinary Authority (as contained in Annexure-12).

(iii) To further issue an appropriate writs/orders/directions, in the nature of Certiorari for quashing the office order dated 25.5.2006 by which the Chairman cum Managing Director of the United India Insurance Company Ltd. has rejected the memorial dated 23.8.2005 preferred by the petitioner in terms of Rule 40, thus upholding the order dated 31.3.2004 of the Disciplinary Authority and order dated 30.3.2005 of the Appellate Authority (as contained in Annexure-14).

(iv) To issue an appropriate writs/orders/directions, in the nature of Mandamus commanding the respondents to reinstate the petitioner in service from the date of his removal with all consequential benefits.

(v) To any other relief or reliefs for which the petitioner is entitled.”

Undisputed facts are that petitioner while working at Muzaffarpur in the State of Bihar he was subjected to disciplinary proceedings and it was concluded while he was working at



Dhanbad. The initiation of inquiry and conclusion was at Dhanbad Office.

Dhanbad Office is part and parcel of the Jharkhand State, therefore, this Court has no territorial jurisdiction. Thus, the present petition stands dismissed reserving liberty to the petitioner to approach appropriate forum. Delay, if any, shall be taken note of by jurisdictional forum in view of Section 14 of the Limitation Act. Petitioner is at liberty to file petition at the earliest.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

