



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.11.2021

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) .No.19843 of 2021

and

W.M.P. (MD) No.16543 of 2021

WEB COPY

P.Gopinathan

... Petitioner

Vs.

United India Insurance Company Limited,
represented by its General Manager/

Disciplinary Authority,

No.24,Whites Road,

Royapettah, Chennai - 600014.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the charge memo dated 03.08.2021 passed by the respondent and to quash the same and consequently, to direct the respondent not to initiate any disciplinary action against the petitioner.

For Petitioner

:Mr.A.R.Nixon

For Respondent

:Mr.C.Karthick

O R D E R

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus, to quash the charge memo, dated 03.08.2021 passed by the respondent and to direct the respondent not to initiate any disciplinary action against the petitioner.

2.Heard Mr.A.R.Nixon, learned Counsel appearing for the petitioner and Mr.C.Karthick, learned Counsel appearing for the respondent.

3.The petitioner was originally appointed as a Clerk in the respondent Company in the year 1988. The respondent is the Insurance Company. The petitioner was served with a charge memo, dated 03.08.2021, for causing loss to the Company by his misconduct. The charge memo was issued as per the United India (Conduct, Discipline and Appeal) Rules, 2014.

4.The challenge to the charge memo was only on the ground that the Honourable Supreme Court has declared the General Insurance (Conduct, Discipline and Appeal) Rules, 1975, as invalid on the ground that the said rule is not placed before the Parliament and gazetted thereafter. Though the petitioner submitted that the



declaration holds good to declare the United India (Conduct, Discipline and Appeal) Rules, 2014 as invalid, the said Rule is not challenged before any Court of law.

5. Merely because earlier the United India (Conduct, Discipline and Appeal) Rules, 1975, were held invalid, this Court cannot assume unless, the petitioner challenges the Rules in the appropriate manner. In the absence of any valid ground to invalidate the charge memo, this Court is unable to entertain the Writ Petition. Therefore, the Writ Petition, which is only against the charge memo, is not maintainable. Accordingly, the Writ Petition is dismissed as devoid of any merits. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tmg/cmr

TO:-

United India Insurance Company Limited,
represented by its General Manager/
Disciplinary Authority,
No.24, Whites Road,
Royapettah, Chennai - 600014.

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