**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**Civil Writ Jurisdiction Case No.96 of 2020**

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Nidhi Jha, W/o Late Shiv Kishore Jha, resident of Mohalla- Nidhi Niwas, V.C. Lane Mithanpura, Police Station- Mithanpura, District- Muzaffarpur.

... ... Petitioner/s

Versus

1. The L.I.C. of India through its Chairman, LIC of India, Mumbai.
2. The Managing Director, LIC of India, Mumbai.
3. The Executive Director (Personal), LIC of India, Mumbai.
4. The Senior Divisional Manager, Divisional Officer, LIC of India, Muzaffarpur.

... ... Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr.Sri Niwas Jha, Advocate |
| For the Respondent/s | : | Mr.Rakesh Kumar, Advocate |
| | | Mr. Abhimanyu Vatsa, Advocate |
| | | Mr. Rajni Kant Singh, Advocate |
| | | Mr. Sameer Sawarn, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**
**ORAL JUDGMENT**
**Date : 19-07-2022**

Heard learned counsel for the petitioner and learned counsel for the respondent-Corporation.

2. The petitioner's husband while working as an Administrative Officer (O.S.) at the Divisional Office at Muzzaffarpur of the respondent-Corporation was issued a show cause notice dated 11.12.2012 in respect of some irregularities in the Branch Office. It is alleged in the show case that he was the key holder of Key No.2 on 12.07.2012. The cash collection of that date was not logged into the Bank. Allegation was that he created and validated NEFT active beneficiary without proper

verification of records.

3. In response to the show cause, the petitioner's husband has denied that any incorrect data without checking the documents was entered by him, whereafter chargesheet has been issued on 07.07.2015, containing four charges, which reads as follows:

> *1. THAT, you prepared vouchers towards payment of loan u/p 532178937, 532880663, 532996020 & 534121845 without verifying EDMS image and could not detect forged duplicate policy bond marked 'DUPLICET' submitted and other documents submitted along with loan application; that subsequently resulted in fraudulent payment to third party other than life assured.*
>
> *2. THAT, you failed to adhere to the laid down processes of verifying significant details from EDMS image of docket as given in C.O. Circular ref: CO/CRM/841/23 dtd.15.09.2011 while creating NEFT masters u/p 532880663 & 532996020. As a result; the NEFT beneficiary master were created under aforesaid policies though mandates submitted under aforementioned policies were not supported with requisite documents viz. cancelled cheque or copy of first page of passbook as per laid down instructions.*
>
> *3. THAT, you failed to exercise adequate control while validating NEFT beneficiary masters u/p 532178937, 532879218, 534123187 and validated the same although the mandates were not supported with requisite documents against the laid down instructions.*
>
> *4. THAT, the aforesaid lapse on your part resulted in*

*fraudulent payments to the credit of bank account of third party other than genuine policyholder; thereby causing loss to the Corporation as detailed in Annexure-I.”*

4. The petitioner’s husband has filed his response to the charges on 24.07.2015. He has raised a defence before the authorities that his password has been misused and therefore the alleged irregularities have emerged. To establish his defence, he has requested the enquiry officer to provide him with xerox copies of log book and password issue/release register so as to enable him to verify who has misused the password.

5. The charges against the petitioner’s husband were held to be proved.

6. The disciplinary authority after serving a copy of the enquiry report upon the petitioner’s husband and giving him an opportunity of filing show cause, has also considered the matter.

7. The order of the disciplinary authority takes note of the petitioner’s husband’s defence and having done so, records a finding that even if the petitioner’s husband’s defence that his password was misused, was to be accepted, then the responsibility of not keeping the password secure would still lie on her husband. The authorities have therefore having regard to

the petitioner’s husband’s defence imposed a minor penalty on him.

8. When the matter is taken up today, the petitioner’s counsel reiterates the submission that on 01.12.2015 he had requested the enquiry officer for making available the log book and password, issue/release register.

9. When the Court called upon the petitioner’s counsel to submit that what is the relevance of the demand of this password and issue register, keeping in view the nature of findings recorded in the proceedings, with reference to the charges and petitioner’s husband’s defence, no answer is forthcoming.

10. This Court would further take note of the fact that the order of the disciplinary authority is well considered reasoned order. Having regard to the nature of defence raised by the delinquent, the minor punishment imposed against the petitioner’s husband, in the opinion of this Court does not require any interference.

11. Since the Court is not inclined to interfere with the order passed by the disciplinary authority, there is no occasion to interfere with the order passed by the appellate authority or the order passed by the Chairman (Annexure-18A),

since both these orders are orders of affirmation of the order passed by the disciplinary authority.

12. The writ application stands dismissed.

**(Madhuresh Prasad, J)**

PNM/Shashank

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| **AFR/NAFR** | NAFR |
| **CAV DATE** | N.A. |
| **Uploading Date** | |
| **Transmission Date** | N.A. |