

WPA 7714 of 2012

Biswajit Das
vs.
Life Insurance Corporation of India & Ors.

Mr. Achin Kumar Majumder
... for the petitioner

Mr. Amitabh Shukla
Mr. Prakash Ch. Pandey
... for the LIC

Affidavit in reply filed on behalf of the petitioner is taken on record.

Petitioner is working in the posts of Assistant under Life Insurance Corporation of India (for short "LIC") being the principal respondent. Alleging misbehavior with one policy holder and Branch Manager a charge sheet was issued dated 6th November, 2010 and subsequently an enquiry report was furnished dated 11th July, 2011 containing certain findings which went against the petitioner. Based on such enquiry report the final order of punishment was issued by the disciplinary authority vide order dated 19th September, 2011 whereby punishment of "censure" was imposed upon the petitioner in terms of Regulation 39 (1) (a) of the LIC (Staff) Regulation, 1960 with immediate effect. Such final order of punishment dated 19th September, 2011 was questioned by the petitioner by preferring departmental appeal before the appellate authority which led to issuance of a show cause notice dated 3rd March, 2012

whereby the appellate authority proposed to enhance the punishment to the extent of reduction in basic pay by two stages in the time scale.

Such initiation of disciplinary proceeding without supplying relevant materials as submitted by Mr. Achin Kumar Majumder, learned advocate representing the petitioner which was culminated into the order of punishment to the extent of censure and subsequent show cause notice dated 3rd March, 2012 by the appellate authority proposing to enhance punishment are the subject matter of challenge in the present writ petition.

It has been specifically submitted on behalf of the petitioner that for due observance of the principle of natural justice the disciplinary authority as well as the enquiry officer were required to supply the complaint of the policy holder and complainant was required to be produced during the course of enquiry, which has not been done in the present case which vitiates the enquiry proceeding. In the same breath it has also been submitted on behalf of the petitioner that he is going to retire on superannuation on 30th June, 2022.

LIC is represented by Mr. Amitabh Shukla, learned advocate. Mr. Shukla has submitted that the impugned show case notice dated 3rd March, 2012 was issued by the appellate authority on the departmental appeal preferred by the petitioner challenging the order of punishment of censure.

At this stage of the hearing of this writ petition this Court considering the fact that the petitioner is on the verge of retirement has proposed that if the petitioner accepts the order of the disciplinary authority dated 19th September, 2011 then issue can be settled without considering the validity and the legality of the impugned show cause notice issued by the appellate authority on 3rd March, 2012.

Mr. Achin Kumar Majumder, learned advocate representing the petitioner and Mr. Amitabh Shukla, learned advocate representing the LIC have jointly submitted that parties to this writ petition have no difficulty in accepting such proposal of the Court if the order of punishment of censure issued by the disciplinary authority dated 19th September, 2011 is treated as final order in the disciplinary proceeding initiated against the petitioner.

Considering the consensus arrived at between the parties to this writ petition during the course of hearing on the aforesaid terms this Court directs that for all purposes the order of punishment of censure passed by the disciplinary authority on 19th September, 2011 shall be treated as a final order on the disciplinary proceeding initiated against the petitioner and the departmental appeal preferred by the petitioner challenging the order of punishment shall be treated as abandoned. Accordingly,

the show cause notice dated 3rd March, 2012 issued by the appellate authority stands set aside.

With the aforesaid direction and observation the writ petition stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)