



W.P.(MD)No.14109 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD)No.14109 of 2016
and
W.M.P(MD).No.10461 of 2016

T.Jeyachandran

... Petitioner

Vs.

1.The Deputy General Manager (Personal),
The Oriental Insurance Company Limited,
Head Office, A.25/27, Asaf Ali Road,
New Delhi-110 002.

2.The Chief Regional Manager,
The Oriental Insurance Company Limited,
Regional Office,
3rd Floor, 6A, West Veli Street,
Madurai-625 001.

... Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 21.07.2016 passed by the first respondent vide Ref.No.HO/HR/Legal/SRO/344/2016 and quash the same as illegal and consequently direct the respondents to give all the promotions as per seniority with monetary benefits in par



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with the petitioner batchmates who were promoted as per the panel of the year 2001.

For Petitioner : Mr.C.Arul Vadivel @ Sekar

For Respondents : Mr.K.Balasubramanian

ORDER

This Writ Petition has been filed to call for the records relating to the impugned order dated 21.07.2016 passed by the first respondent vide Ref.No.HO/HR/Legal/SRO/344/2016, quash the same as illegal and direct the respondents to give all the promotions as per seniority with monetary benefits on par with the petitioner's batchmates who were promoted as per the panel of the year 2001.

2. The learned counsel appearing for the petitioner submitted that the petitioner joined as Assistant in Oriental Insurance Company on 26.12.1983. He was promoted as Senior Assistant on 01.06.1990. Thereafter, he was holding the post of State Vice President of General Insurance SC/ST Employees Welfare Association for nearly five years.



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While so, on 24.09.2004, a charge memo was issued against the petitioner and a criminal case was registered in Crime No.RC MA1 2002 A0035 on the file of the Inspector of Police, SPE: CBB:ACB, Chennai. It was taken cognizance in C.C.No.6 of 2004 on the file of the Special Court for CBI Cases, Madurai. Subsequently, after completion of enquiry, the enquiry report was filed on 11.06.2012 before the second respondent stating that the charges against the petitioner are not proved. On 04.03.2016, the final order was passed by the second respondent exonerating the petitioner from all the charges. Prior to that, the criminal case in C.C.No.6 of 2004 ended in acquittal on 29.03.2012. After the final order was passed by the second respondent, the petitioner has filed a writ petition in W.P(MD).No.9816 of 2016 seeking promotion as per seniority with all monetary benefits on par with his batchmates of the panel year 2001. The said writ petition was disposed of on 03.06.2016 by giving a direction to the first respondent to consider the representation of the petitioner, dated 14.03.2018 and pass appropriate orders. Thereafter, the impugned order was passed on 21.07.2016 stating that as against the acquittal of the petitioner in C.C.No.6 of 2004, the CBI has preferred a



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criminal appeal in CrI.A.(MD).No.180 of 2014 and it was pending. When the criminal appeal was pending, the claim made by the petitioner for promotion cannot be considered and it is premature.

3. Now, it is submitted by the learned counsel appearing for the petitioner that Criminal Appeal in CrI.A.No.180 of 2014 was dismissed on 12.02.2019, confirming the judgment of the trial Court and after dismissal of the criminal appeal filed by the CBI, the petitioner gave another representation, dated 25.02.2019. Meanwhile, the petitioner retired from service on attaining the age of superannuation on 28.02.2018. In his representation, dated 25.02.2019, the petitioner requested only for granting of notional promotion as Deputy Manager (Scale-III) with all monetary benefits.

4. In response, the learned counsel appearing for the respondents submitted that the petitioner was paid other benefits, like, gratuity, pension and computation of pension, subsequent to the representation dated 25.02.2019. His representation for notional



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promotion would be considered on merits and as per the Rules.

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5. The fact remains that once the petitioner is exonerated from all the charges in the criminal case, the petitioner is restored to his original position. Hence, this Court directs the respondents to consider the petitioner's representation, dated 25.02.2019 with regard to claim of his notional promotion as Deputy Manager Scale-III with all monetary benefits in accordance with the Rules and Law. This exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition is disposed of. No costs. Connected miscellaneous petition is closed.

10.08.2022

Internet: Yes/No

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G.CHANDRASEKHARAN, J.

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