

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.710 of 2018

In
Civil Writ Jurisdiction Case No.21864 of 2011

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1. The National Insurance Company Limited and Ors A Company incorporated under the Companies Act, having its registered office at 3, Middleton Street, Kolkatta through its Chairman-cum-Managing Director, 3, Middleton Street, Kolkatta - 700071.
 2. The Chariman-cum-Managing Director, The National Insurance Company Limited, 3, Middleton Street, Ko
 3. The General Manager Personnel, The National Insurance Company Limited, 3, Middleton Street, Kolkat
 4. The Assistant General Manager-cum-Competent Authority, The National Insurance Company Limited, 3, M
 5. The Manager and Disciplinary Authority, Patna through Regional Office of the National Insurance Com
 6. The Deputy Manager, Patna Regional Office of the National Insurance Company Limited, 4th Floor, Son
 7. The Divisional Manager, National Insurance Company Limited, Gaya Division, Shanti Market, Church R
 8. The Vigilance Officer, National Insurance Company Limited, Patna Regional Office, 4th Floor, Sone B

... .. Appellant/s

Versus

Binod Kumar Sinha Alias B. K. Sinha Son of Sri Ram Nandan Prasad resident of Pirmanscor, G.B. Road, Gaya, District Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rupak Kumar, Advocate
For the Respondent/s : Mr. Abhay Shankar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

9 13-12-2023 Appellant- The National Insurance Company Limited

have assailed the order dated 20.11.2017 passed in C.W.J.C

21864 of 2011.



2. Core issue involved in the lis is whether respondent- Binod Kumar Sinha @ B. K. Sinha is entitled to certain service benefits during the period from the year 2002 to 2010 or not? On 31.03.2010 respondent was punished while imposing penalty of reduction of basic pay by one stage under Rule 23 of G.I (CDA) Rules, 1975. It is necessary to reproduce relevant portion of the penalty order which reads as under:

“Now, therefore, the undersigned in exercise of powers conferred under Rule 23 of the GI(CDA) Rules 1975 hereby impose the penalty of ‘Reduction of basic pay by one stage’ against Sri B.K. Sinha with immediate effect.”

3. Reading of the aforementioned penalty it is crystal clear that penalty is required to be given effect prospectively from the date. The penalty order was issued on 31.03.2010. Therefore, whatever the service benefits which are due to the respondent during intervening period from 15.02.2002 the date on which he was removed from service thereafter set aside by this Court and remanded the matter. This Court has also not made any observation whatever the penalty to be imposed after holding a fresh enquiry from the defective stage and it will have retrospective effect from the date of removal order dated 15.02.2002 so as to take note of the impugned order dated 31.03.2010 would be effective from 15.02.2002. Therefore, we find no error committed by learned Single Judge in allowing the



writ petition of the respondent.

4. Learned counsel for the respondent is speculating that the respondent's grievance in so far as extending certain service benefits including monetary benefits during the period from the year 2002 to 2010 may not be consider. However, he stressed upon sub-clause 3 of Clause-13 in respect of grant of increment the same has been taken note of by the learned Single Judge therefore, the concerned authority is hereby directed to specifically deal with sub-clause 3 of Clause-13 relating to grant of increment and necessary reasons must be assigned. The above exercise shall be undertaken and speaking order shall be passed after giving formal show-cause notice to the respondent and proceed to pass order and the above exercise shall be completed within the period of three months from the date of receipt of this order with the above observation LPA is disposed off.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

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