

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22198 of 2014

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Prem Chandra Mishra Son of Sri Subh Chandra Mishra, Resident of Mohalla
- Sankat Mochan Colony, Near Seva Mithila, Police Station - Raj Nagar, Dis-
trict - Madhubani.

... .. Petitioner/s

Versus

1. The Life Insurance Corporation Of India Ltd. through the Chairman, Central Office, Yogashema, Jeevan Bima Marg, Mumbai-400021
2. The Chairman, The Life Insurance Corporation of India Ltd., Central Office, Yogashema, Jeevan Bima Marg, Mumbai-400021
3. The Zonal Manager, The Life Insurance Corporation of India Ltd., Eastern Zonal Office, Hindustan Building-4, Chitranjan Avenue, Kolkata-700071, West Bengal
4. The Senior Divisional Manager, The Life Insurance Corporation of India Ltd., Divisional Office, Patna.
5. The Branch Manager, The Life Insurance Corporation of India Ltd., Branch Office, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Adv.
For the Respondent/s : Mr.Nilanjana Chatterjee, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-08-2023 1. Heard learned counsels for the petitioner and the respondents.

2. The learned counsels for the parties are in agreement that it is a well settled proposition of law that late refund of the amount of Leave Travel Concession (hereinafter referred to as 'LTC') advance will not amount to a misconduct. This aspect of the matter stands adjudicated conclusively by a judgment dated 09.03.2018, passed by a Co-ordinate Bench of this Court in CWJC No.12086 of 2009 (Ganga Safi Vs. Life



Insurance Corporation of India and Ors.) as also by a Judgment dated 19.09.2012, passed by the learned Division Bench of this Court in LPA No.1275 of 2012 (Life Insurance Corporation of India and Ors. Vs. Praful Chandra Jha). It is thus submitted that inevitably, the employees can neither be proceeded against by initiation of departmental proceedings nor they can be punished in case they fail to return the amount of LTC advance in time, however, at best the amount of LTC advance, taken by the employees, can be recovered from the next pay bill of such employees.

3. Having regard to the well settled law laid down by the learned Division Bench of this Court as also by a Co-ordinate Bench of this Court, as aforesaid, as also considering the fact that the departmental proceeding in question had been initiated against the petitioner on the charge of late refund of the amount of LTC advance, the order of punishment dated 27.12.2002, passed by the Senior Divisional Manager, Life Insurance Corporation of India, Muzaffarpur and the appellate order dated 23.12.2004, passed by the Manager (P&IR), Life Insurance Corporation, Patna Divisional Office, Patna, are unsustainable in the eyes of law, hence are quashed.



4. The writ petition stands allowed.

(Mohit Kumar Shah, J)

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