



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2023

CORAM

THE HON'BLE Mr. JUSTICE **C. V. KARTHIKEYAN**

W.P.No.6661 of 2017
and
W.M.P.Nos.7180 & 10850 of 2017

V. Suriakumar

.. Petitioner

Vs.

1. United India Insurance Company Limited
Rep. by its Deputy General Manager Personnel,
Head Office,
No.24, Whites Road, Chennai – 600 002.

2. Inquiry Officer, Manager,
United India Insurance Company Limited,
Regional Office, 7A West Veli Street,
Madurai – 625 001.

.. Respondents

Prayer: This Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 20.02.2017 as reminded by his letter dated 28.02.2017 and pass orders in accordance with the rules, principles of natural justice and in accordance with law, after affording opportunity to the petitioner, within a time frame.



For Petitioner .. Mr. G. Masilamani, Senior Counsel
For Mr. T. Sathiyamoorthy

For Respondents .. Mr. Mohammed Irfan Ali
For Mr. T. S. Baskaran

ORDER

This Writ Petition has been filed in the nature of Mandamus seeking a direction to the 1st respondent, United India Insurance Company Limited, to consider the representation given by the petitioner on 20.02.2017, which was further reminded by another letter dated 28.02.2017 and thereafter pass necessary orders. Let me not examine the facts of the case in detail since, it is evident that the facts have to be once again considered by the appellate authority.

2. The petitioner who was working as Deputy Manager in Regional Office, United India Insurance Company Limited at Puducherry, was issued with a charge memo dated 11.03.2015 claiming alleged violation of Rule 25 of the United India Insurance Company (Conduct Discipline and Appeal) Rules, 2014 for act of commission and omission said to have been



committed when working as Senior Branch Manger at Nagapattinam between 2013 and 2014. After that particular charge memo had been issued, the enquiry process commenced and it is reliably understood that the enquiry officer has returned a finding on the charges. The petitioner was also communicated with a copy of the enquiry report and his explanation was sought. He had also given his explanation. But however, for reasons which he felt necessary, he had given a representation on 20.02.2017, which was again reiterated by a further letter dated 28.02.2017 and apprehending the same would not be considered, the present writ petition has been filed in the nature of a Mandamus.

3. The learned Senior Counsel for the petitioner stated that the writ petition came up for admission on 20.03.2017 on which date, a learned Single Judge of this Court had granted an order of status quo. This particular order of status quo was communicated to the appellate authority on 21.03.2017 / the next day.

4. It is seen from the counter affidavit filed that the orders had already been passed on 21.03.2017 even before the appellate authority could



receive the copy of the order of status quo granted by this Court.

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5. This fact is disputed by the learned Senior Counsel, who claimed that the order of status quo was actually served in the morning hours on the appellate authority and therefore, an obligation was placed on the appellate authority to refrain from passing any order and await further orders by this Court.

6. Let me not enter into a discussion on that particular aspect since, a direction is now given to the petitioner herein to file necessary appeal against the order which was passed on 21.03.2017.

7. It is made clear, while filing an appeal the petitioner is entitled to raise all possible grounds and also one further ground which has been stated by the learned Senior Counsel while advancing arguments today, namely that the United India Insurance Company (Conduct Discipline and Appeal) Rules 2014, had not been placed for consideration before the Parliament and not been passed or authorised to be passed by the Parliament before being put into effect. It is also stated that the said rules had not been



gazetted. These are aspects, which the appellate authority should take into consideration, quite apart from the grounds raised on facts, questioning the order passed on 21.03.2017.

8. The other aspect is the period of limitation. It is contended that the order passed on 21.03.2017 had not yet been served on the petitioner. The respondents may take efforts to officially serve a copy of the said order to the petitioner in proper manner and get necessary acknowledgement. The period of appeal would commence from the date on which necessary service is effected on the petitioner.

9. The learned Senior Counsel stated that a copy could also be served on the learned counsel who is on record in this writ petition. It is also insisted that some time limit may be given to the appellate authority to dispose of the appeal. From the date on which the papers are made ready before the appellate authority and the matter is ripe for hearing, the appellate authority may endeavour to dispose it of within a period of twelve weeks.

10. With the above observation, this Writ Petition stands disposed



of. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

30.08.2023

Index: Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking order: Yes/No
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To

1. Deputy General Manager Personnel,
United India Insurance Company Limited,
No.24, Whites Road, Chennai – 600 002.
2. Inquiry Officer, Manager,
United India Insurance Company Limited,
Regional Office, 7A West Veli Street,
Madurai – 625 001.

C.V.KARTHIKEYAN,J.



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7



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