



W.P.(MD)No.3862 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :25.08.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**  
and  
THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P(MD)No.3862 of 2022  
and  
W.M.P(MD)Nos.3336 and 3337 of 2022

P.Gopinathan

... Petitioner

Vs.

- 1.Chairman-cum-Managing Director,  
Board of Directors,  
United India Insurance Co. Ltd.,  
No.24, Whites Road,  
Royapettah, Chennai – 600014.
- 2.United India Insurance Co. Ltd.,  
Rep. by its General Manager/  
Disciplinary Authority,  
No.24, Whites Road,  
Royapettah, Chennai – 600014.
- 3.Mr.G.Senthil,  
Senior Divisional Manager,  
United India Insurance Co. Ltd.,  
Divisional Office,  
No.4, Promenade Road,  
Trichy – 620 001.
- 4.Union of India,  
Rep. by its Secretary to Government of India,  
Finance Department,  
New Delhi.

... Respondents



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(R4 is impleaded vide Court Order dated 04.07.2022 in  
W.M.P(MD)No.9465 of 2022 in W.P(MD)No.3862 of 2022  
by SSSRJ & SSYJ)

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Declaration to declare the United India Insurance Company (CDA) Rules, 2014, dated 05.05.2024 as null and void and consequently, quash the charge memo dated 03.08.2021 issued by the second respondent.

For Petitioner :Mr.A.R.Nixon

For R-1 to R-3 :Mr.I.Suthakaran

For R-4 :Mr.K.Govindarajan,  
Deputy Solicitor General of India

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### **ORDER**

(Order of the Court was made by **D.BHARATHA CHAKRAVARTHY, J.**)

This writ petition is filed to declare the United India Insurance Company (CDA) Rules 2014, dated 05.05.2014, as null and void and consequently, to quash the charge memo, dated 03.08.2021, issued by the second respondent.

2. The petitioner is an employee of the first respondent Insurance Company and when a charge memo is issued against him alleging certain delinquencies, he challenges the Rules itself.



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3. The main ground of challenge to the Rules is that the Rules were not placed before the Parliament and then, published in the Gazette.

4. The learned counsel appearing for the respondent Insurance Company, would submit that there is no legal obligation to place the Rules before the Parliament and publish in the Gazette. The impugned Rules are the service Rules which are framed pursuant to the adoption by the Board of Directors of the Insurance Company and as such, such a necessity is not there. He has also brought to the notice of this Court that the enquiry against the petitioner has been completed.

5. The requirement which is referred to by the petitioner is relating to Scheme which is framed and not relating to the Service Regulations.

6. As a matter of fact, the very same issue has been decided earlier by a Division Bench of this Court in WA.No.484 of 2020, 01.07.2022.



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7. In view of the same, giving liberty to the petitioner to raise all his defences on merits in the disciplinary proceedings pending and giving liberty to the respondents to pass orders on merits in the disciplinary proceedings, this writ petition is dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

**[S.S.S.R., J.] [D.B.C., J.]**  
**25.08.2023**

Index : Yes / No  
NCC : Yes / No  
pm



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**S.S.SUNDAR, J.**

and

**D.BHARATHA CHAKRAVARTHY, J.**

pm

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25.08.2023