



W.P(MD)No.2148 of 2016

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.2148 of 2016

R.Selvarajan

... Petitioner

Vs.

1. The Chairman cum Managing Director,
National Insurance Company Limited,
Head Office,
3, Middleton Street,
Kolkata – 700 071

2. The Chief manager,
National Insurance Company Limited,
Registered & Head Office,
3, Middleton Street,
Kolkatt – 700 071.

3. The Manager,
National Insurance Company Limited,
Coimbatore Regional Office,
Stock Exchange Building,
684, Trichy Road,
Coimbatore – 641 005.

4.The Chief Regional Manager,
National Insurance Company Limited,



W.P(MD)No.2148 of 2016

Coimbatore Regional Office,
Stock Exchange Building,
684, Trichy Road,
Coimbatore – 641 005.

5.The Assistant Manager,
National Insurance Company Limited,
Coimbatore Regional Office
Stock Exchange Building,
684, Trichy Road,
Coimbatore – 641 005.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus to call for the records relates to the order passed by the respondent No.3 in Ref.No.CBRO/PERS/KAK/Nu/2014 dated 02.01.2015 and the order passed by the 2nd respondent in Ref.No.F-285 (9): CBRO:2015 dated 13.07.2015 quash the same in so far as charging Rs.15,900/- towards market rent and maintenance charges for occupation of the official accommodation for one month and consequently direct the respondents to refund a sum of Rs.12,736/- with interest at the rate of 12% per annum from 28.01.2015 till the date of repayment.

For Petitioner : No appearance

For Respondents : Mr.D.Sivaraman



W.P(MD)No.2148 of 2016

ORDER

WEB COPY

This Writ Petition has been filed against the order passed by the respondent No.3 in Ref.No.CBRO/PERS/KAK/Nu/2014 dated 02.01.2015 and the order passed by the respondent No.2 in Ref.No.F-285 (9): CBRO:2015 dated 13.07.2015 and to quash the same insofar as the charging fees of Rs.15,900/- towards market rent and maintenance charges for occupation of the official accommodation for one month and for consequential direction to the respondents to refund a sum of Rs.12,736/- with interest at the rate of 12% per annum from 28.01.2015 till the date of repayment and pass such orders in the interest of justice.

2. This Writ Petition was admitted by this Court on 29.01.2016 and rule nisi was issued. Till today, the respondents did not choose to file their counter affidavit. This Court is left with no other option except to come to a conclusion that as there is no counter to be filed by the respondents, they did not file the counter till date.



W.P(MD)No.2148 of 2016

WEB COPY

3. As per Rule 24(2) of Writ Proceedings Rules of Madras

High Court, any respondent who intends to file a counter affidavit, shall, unless otherwise ordered, file it within eight weeks from the date of service of on him or rule nisi provided the Court may extend the time or condone the delay for sufficient cause.

4. In this case, admittedly, counter is not filed within the time stipulated under Rule 24(2) of Writ Proceedings Rules of Madras High Court. As such, the request of the respondents' counsel to grant further time to file counter affidavit is not acceptable as this Writ Petition is of the year 2016. After 7 years from filing of this Writ Petition and after ordering rule nisi, the request for granting time for filing counter is not acceptable. In view of the facts and circumstances of the case and as there is no other rebuttal contentions on behalf of the respondents, this Writ Petition is allowed as prayed for.



WEB COPY



W.P(MD)No.2148 of 2016

5. No costs.

19.07.2023

Index : Yes / No
NCC : Yes / No
CM

1. The Chairman cum Managing Director,

5



W.P(MD)No.2148 of 2016

National Insurance Company Limited,
Head Office, 3, Middleton Street,
Kolkata – 700 071

2. The Chief manager,
National Insurance Company Limited,
Registered & Head Office,
3, Middleton Street,
Kolkatt – 700 071.

3. The Manager,
National Insurance Company Limited,
Coimbatore Regional Office,
Stock Exchange Building,
684, Trichy Road,
Coimbatore – 641 005.

4. The Chief Regional Manager,
National Insurance Company Limited,
Coimbatore Regional Office,
Stock Exchange Building,
684, Trichy Road,
Coimbatore – 641 005.

5. The Assistant Manager,
National Insurance Company Limited,
Coimbatore Regional Office
Stock Exchange Building,
684, Trichy Road,
Coimbatore – 641 005.



WEB COPY



W.P(MD)No.2148 of 2016

BATTU DEVANAND, J.

CM

W.P.(MD)No.2148 of 2016

19.07.2023