



WEB COPY



W.P.No.26749 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.26749 of 2010

K.Varalakshmi

...Petitioner

Vs

1.The Chairman,
LIC of India,
Central Office, Yogeshema,
Mumbai.

2.The Managing Director,
LIC of India,
Central Office, Yogeshema,
Mumbai.

3.The Zonal Manager,
Southern Zone Office,
LIC Building, LIC of India,
Chennai – 600 002.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for records relating to the impugned termination order dated 15.02.2005 from the 2nd respondent and consequent order dated 28.08.2006 of the 2nd respondent rejecting the petitioner's appeal and quash the same and direct the respondents to reinstate the petitioner in service with all consequential benefits and award cost.



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For Petitioner : No appearance

For Respondents : Mr.R.S.Anandan

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ORDER

The Writ Petition is filed calling for records relating to the impugned termination order dated 15.02.2005 from the 2nd respondent and consequent order dated 28.08.2006 of the 2nd respondent rejecting the petitioner's appeal and quash the same and direct the respondents to reinstate the petitioner in service with all consequential benefits and award costs.

2.The case of the petitioner is that petitioner joined in the services of LIC in 1981 as Assistant. She was promoted as Higher Grade Assistant and then as Assistant Administrative Officer. Due to the marital discard and ill-treatment from her husband, she became mentally ill. Meanwhile, 2nd respondent issued a charge sheet dated 19.04.2004. The charges alleged are that she refused to accept several communications and lodged a false complaint against one Sri.B.Prakasam. She was not aware of the notice for domestic enquiry, Ex-parte enquiry was conducted and the Enquiry Officer submitted a report dated 08.12.2004 holding the charges were proved against her. 2nd respondent accepted the findings of the Enquiry Officer and removed her from services vide impugned order dated 11.02.2005.



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2.1. She filed Appeal to the Managing Director, but that was dismissed on 28.02.2006. She sent a memorial petition dated 18.01.2007 to the 1st respondent. Her memorial was rejected on 05.06.2007. It took nearly 3 years to regain her balance of mind. Thereafter, she filed this Writ Petition challenging the impugned termination order dated 11.02.2005.

3. When the matter is taken up today, there is no representation for the petitioner. When the matter was taken up on 13.02.2024, it was informed that, petitioner is no more, subject to confirmation of this information. Learned counsel for the petitioner sought time to verify this claim and proceed with the matter. Therefore, this petition was adjourned after two weeks for verifying, whether petitioner is alive or dead and to proceed with the matter. It was made clear that unless proper information is given, this petition will be disposed on merits in the manner known to law.

4. When the matter is taken up again on 28.02.2024, at the request of the learned counsel for the petitioner, petition was adjourned by a week. When the matter is taken up today, there is no representation. Therefore, this Court does not know whether petitioner is alive or dead. In the said circumstances, this Court proceeds to dispose this Writ Petition, on the basis of the available



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5.From the facts narrated above, it is the case of the petitioner that due to marital dispute and ill treatment by her husband, she was not in her sound state of mind. Therefore, she was not able to participate in any enquiry. The charges against the petitioner are as follows,

“i The goal setting form (DOPA) served on you on 05.06.2003 by the Branch Manager in person;

ii. Letter dated 03.07.2003 sent to you by Vellore Divisional Office regarding the completion of DOPA Form which was served on you by the Branch Manager on 07.07.2003;

iii. Letter dated 07.08.2003 calling for your explanation on acceptance of the official communication; non-

iv. Office Order dated 14.08.2003 issued by the Branch Manager, Ranipet Branch Office, regarding allocation of work which was served on you by the Branch Manager on 14.08.2003 in the presence of the Smt. R. Sindhumathi, Administrative Officer, Ranipet Branch Office.

v. Letter dated 30.09.2003 sent by the BSU Department, Divisional Office Vellore;

vi. Letter dated 14.11.2003 sent by the Senior Divisional Manager, Vellore directing you to appear before the Divisional Medical Referee which was sent through Smt. K.



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Mayathara, AAO, Divisional Office, Vellore on, 14.11.2003

for serving on you in person;

vii. Letter dated 28.11.2003 sent by the Senior Divisional Manager, Vellore advising you to appear before the Medical Board at Vellore Medical College which was sent through Smt.K.Mayathara, Asst. Administrative Officer, Divisional Office, Vellore on 28.11.2003;

2) THAT false complaint with the you lodged a B2 Police Station, Esplanade, Chennai on 03.09.2003 alleging that you were raped by Sri. B. Prakasam, Principal, Agents' Training Centre, LIC of India, Royapuram Branch Office, Chennai in our Guest House situated at United India Building, Esplanade, Chennai on 30.08.2003, thereby maligning the officer and causing him untold mental agony besides tarnishing the image and reputation of our institution.

3). THAT you have created pandemonium in the office on 12.01.2004 by shouting in high pitch at the Branch Manager and others thereby hindering smooth functioning of the office. Your conduct was quite unbecoming of an officer and amounts to lowering the image of the office, in the eyes of our constituents. ”

6. On the basis of the charges, she was given opportunity for offering her explanation, but she had not offered her explanation. Therefore, exparte enquiry was conducted. The Enquiry Officer found the charges against her were proved.

Show cause notice dated 07.01.2005 was issued. However, she has not



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responded, resulting in imposition of punishment of removal from service on

15.02.2005. As stated earlier, her Appeal and Memorial petitions were rejected.

7.Learned counsel for the respondents submitted that petitioner had not produced any materials to show that she was not in sound state of mind and that is reason why she had not participated in the domestic enquiry.

7.1.That apart, she challenged only the removal from service order dated 15.02.2005 and consequential order dated 28.08.2003 rejecting her Appeal. She has not challenged the rejection of memorial petition by Chairman on 18.01.2007. This petition was filed with a long delay and after obtaining her gratuity of Rs.1,54,877/- on 28.10.2006.

8.Considered the submissions of the learned counsel for the respondents and perused the records.

9.From the facts narrated and submitted by the learned counsel for the respondents, it is apparent that petitioner has not given her reply to the 1st show cause notice, not participated in the departmental enquiry and has not responded to the 2nd show cause notice.



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10.The charges against the petitioner are serious in nature. The charges were unchallenged and uncontroverted. The departmental proceedings were properly initiated and properly conducted and there is nothing to discredit the conduct of the departmental proceedings.

11.Considering the nature of the misconduct/delinquency committed by the petitioner, she was imposed the punishment of removal from service. This Court is of the view that, there is no reason to interfere with the orders passed by the authorities. Therefore, the prayer to quash impugned order dated 15.02.2005 passed by the 2nd respondent and consequent order dated 28.08.2006 of the 2nd respondent rejecting the petitioner's appeal cannot be entertained and the same are confirmed.

12.In fine, the Writ Petition is dismissed. No costs.

11.03.2024

Index:Yes/No
Speaking order/Non-speaking order
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G.CHANDRASEKHARAN, J.

gd

To

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