



Writ Petition No.11747 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

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THE HONOURABLE MR. JUSTICE BATTU DEVANAND

Writ Petition No.11747 of 2018
& WMP No.13717 of 2018

K.Manikkam

..Petitioner

vs.

The General Manager(Marketing),
The Oriental Insurance Co. Ltd.,
Oriental House(P.Box)7037,
A-25/27, Asaf Ali Road,
New Delhi-110002

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings in HO/HR/CDA/1216 dated 26.02.2018 of the respondent and quash the same.

For Petitioner : Mr.J.Deleban

For Respondent : Mr.G.Gurusamynathan

ORDER

This Writ Petition has been filed against the proceedings issued by the respondent in HO/HR/CDA/1216 dated 26.02.2018, wherein, a penalty



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is imposed on the petitioner for recovery of a sum of Rs.60000/-.

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2.Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the entire material available on record.

3.A counter affidavit has been filed on behalf of the respondent.

4.During the course of hearing, learned counsel for the respondent would submit that the petitioner has an appellate remedy available to him as against the order of the disciplinary authority under Rule 27 of the Oriental Insurance Company (Conduct, Discipline and Appeal) Rules 2014(herein after referred to as "the Rules". Without exhausting alternative remedy of Appeal, the petitioner has directly approached this Court by filing the present Writ Petition, which is not maintainable.

5.On consideration of the submissions made by the learned counsel for the respondent, this Court is of the considered view that as and when statutory Appeal is available, the petitioner ought to have approached the Appellate authority by filing an Appeal, instead of approaching this Court



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under Article 226 of the Constitution of India.

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6. Admittedly, in the present case, against the order of punishment, the petitioner did not file any Appeal before the Appellate authority.

7. In these circumstances, this Court intends to dispose of this Writ Petition, without going into the merits of the case, permitting the petitioner to file an Appeal before the concerned Appellate authority against the order impugned in this Writ Petition, to meet the interest of justice.

8. Accordingly, this Writ Petition is disposed of with the following directions:

(i) The petitioner is permitted to file an Appeal before the concerned Appellate authority under the Rules, within a period of six(6) weeks from the date of receipt of a copy of this order.

(ii) On receipt of the same, the concerned Appellate authority shall consider and dispose of the same in accordance with law within a period of eight(8) weeks thereafter.



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No costs.

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Index : Yes/No
Speaking order: Yes/No
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To
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BATTU DEVANAND, J

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