



W.A.(MD) No.785 of 2018

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2024

CORAM

**JUSTICE N. SESHASAYEE
and
JUSTICE P.VADAMALAI**

W.A.(MD) No.785 of 2018
and
C.M.P.(MD).No.4637 of 2018

S.Alagaraj

... Appellant/Petitioner

Vs.

1.The General Manager / Disciplinary Authority,
United India Insurance Company Limited,
No.24, Whites Road,
Chennai-600 014.

2.Dr.G.M.J.Kamalakumar,
Regional Manager / Enquiry Officer,
Madurai
United India Insurance Company Limited,
Regional Office, No.7-A, West Veli Street,
Madurai-625 001.

3.The Chief Regional Manager,
United India Insurance Company Limited,
No.7-A, West Veli Street,
Madurai-625 001.

... Respondents/ Respondents



W.A.(MD) No.785 of 2018

Prayer: Appeal filed under Clause 15 of Letters Patent Act to set aside the order of the learned Judge made in W.P.(MD).No.9246 of 2016, dated 05.03.2018 and allow the Writ Appeal in the interest of justice.

For Appellant : No Appearance

For R-1 : No Appearance

For R-2 & R-3 : Mr.C.Karthik

JUDGMENT

(Judgment of the Court was delivered by **N.SESHASAYEE, J.**)

Disciplinary action was initiated against the appellant and this was challenged by him in W.P.(MD).No.9246 of 2016 but it does not find favour with the learned Single Judge who vide its order dated 05.03.2018 dismissed it. The issue was that this disciplinary action was initiated after the retirement of the respondent on 30.04.2014. The issue before the learned Single Judge was about the legality of initiating a disciplinary action after the superannuation of an employee based on the ratio of Supreme Court in ***Ramesh Chandra Sharma and Punjab National Bank and another*** [(2007) 4 L.L.L.N.108], wherein, the Court had given its opinion that it would



W.A.(MD) No.785 of 2018

depend on the terms and conditions of service. The learned Judge then proceeded to refer to Rule 1 (4) of the United India Insurance Company (Conduct, Discipline and Appeal) Rules, 2014 which authorised initiation of disciplinary action against the a retired employee who are governed by General Insurance (Employees) Pension Scheme, 1995. This Order of the learned Single Judge is now under challenged before this Court.

2. There is no representation for the appellant. The learned counsel appearing for respondent Nos.2 and 3 submitted that vide proceedings dated 16.03.2022, the disciplinary action was concluded and a penalty of Rs. 2,300/- p.m. (Rupees Two Thousand and Three Hundred only) was imposed on the delinquent and to be deducted from the monthly pension payable to him to compensate the loss of Rs.10,92,500/- which was the foundation for commencing the disciplinary action against the appellant.

3. Inasmuch as, the order now under challenge has culminated in a final order imposing penalty on the respondent, nothing survives for the present in this appeal.



W.A.(MD) No.785 of 2018

WEB COPY

4. Accordingly, the Writ Appeal is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

(N.S.S., J.)

(P.V.M., J.)

03.04.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

TSG



WEB COPY



W.A.(MD) No.785 of 2018

N. SESHASAYEE, J.
and
P.VADAMALAI, J.

TSG

W.A.(MD) No.785 of 2018

03.04.2024