

RSA-1974 of 2024 (O&M)

2024:PIHC:102549



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

RSA-1974 of 2024 (O&M)  
Date of decision: 07.08.2024

Paramjit

.....Appellant

Versus

The Chairman of Life Insurance Corporation of India and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**

Present: - Mr. Manmeet Singh Rana, Advocate,  
for the applicant-appellant.

**NAMIT KUMAR, J.**

**CM-7838-C of 2024**

1. This application has been filed by the applicant-appellant under Section 5 of the Limitation Act read with Section 151 CPC for condonation of delay of 18 days in filing the appeal.

2. In view of the averments made in the application, which is supported by an affidavit, same is allowed. Delay of 18 days in filing the appeal is condoned.

**RSA-1974 of 2024**

1. This Regular Second Appeal is directed against the judgment and decree dated 09.10.2018, passed by the Court of learned Civil Judge (Junior Division), Jalandhar, whereby suit filed by appellant-plaintiff for declaration was dismissed as well as against the judgment and decree dated 16.03.2024, passed by the Court of learned Additional District Judge, Jalandhar, vide which the appeal filed by the appellant-



plaintiff against the judgment and decree of the trial Court, has been dismissed.

2. For convenience sake, reference to parties is being made as per their status in the civil suit. Briefly stated, plaintiff filed a suit for declaration to the effect that order dated 28.10.2013, passed by defendant no.2, dismissing him from service of Life Insurance Corporation of India (hereinafter to be referred as 'LIC'), order dated 28.02.2014, passed by defendant no.3, as Appellate Authority and order dated 29.09.2014, passed by defendant no.1, relating to his dismissal, are illegal, wrong, uncalled for, capricious and against law and rules applicable to him and principles of natural justice and, therefore, he be deemed to be in continuous service of LIC as he was, when the impugned order regarding his dismissal was passed and affirmed by Appellate Authorities and further that he is entitled to all the benefits of service, which were available to him alongwith interest at the rate of 18% per annum from the date of actual disbursement till realization, pleading inter-alia that he served with defendant LIC since his appointment with devotion, dedication, sincerity and honesty. However, his service was illegally and wrongly cut down by defendant LIC owing to biased approach and prejudiced attitude as he belongs to Scheduled Caste Community. He has been made scapegoat by the officials of defendant-LIC with malafide intention to frame him in false case as they themselves were involved in scam amounting to Rs.50/60 lakhs. It was pleaded that plaintiff was not provided or supplied the documents or copies which formed the basis of charge sheet thereof

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demand on 27.02.2013 to prepare a reply to the charge sheet, which prevented the plaintiff to submit a detailed reply to the charge sheet, which wrong act of the defendants has virtually prejudiced the case against plaintiff. The plaintiff submitted a representation dated 27.02.2013 for supplying the documents relied upon in the charge sheet, however, the defendants in spite of the written request of the plaintiff did not supply the requisite documents which disabled the plaintiff to file proper and effective reply to the charge sheet which action of the defendants is totally perverse in nature. The department initiated the inquiry without supplying the documents relied upon in the charge sheet and without giving opportunity to the plaintiff to file proper and effective reply to the charge sheet to prove his innocence, as such the procedure adopted by the defendant is totally illegal. No proper opportunity was provided by the Inquiry Officer to cross examine the departmental witnesses, causing serious prejudice to the plaintiff's case in denial of the legal rights. The entire procedure adopted in connection with and related to the inquiry against the false charges levelled against the plaintiff was against the law and rules governing the service of the plaintiff. It was further pleaded that entire proceedings commenced on the basis of false complaint, planted against the plaintiff were kept a close secret and the copy of the preliminary inquiry demanded by the plaintiff was declined, which has effected adversely and prejudiced the case of the plaintiff and the inquiry being not impartial or independent and against the procedure, illegal, wrong and the same is liable to be set aside and ignored.



3. The trial Court after hearing learned counsel for the parties and appreciating the evidence on record, dismissed the suit of the plaintiff vide judgment and decree dated 09.10.2018. Aggrieved against the judgment and decree of the trial Court, plaintiff preferred an appeal, which has also been dismissed by the lower appellate Court vide judgment and decree dated 16.03.2024. Hence, present regular second appeal.

4. Learned counsel for the appellant contended that the Courts below have failed to appreciate that inquiry against the appellant was not conducted as per law and rules applicable to him. He also contended that documents relied upon by defendant-LIC particularly, the report of preliminary inquiry, were not supplied to the appellant during the inquiry proceedings while the same were repeatedly demanded by him to set up his defence. Learned counsel contended that allegations of misappropriation were wrongly levelled against the appellant whereas misappropriation had been done by Branch Office Manager and other officials posted in Nakodar Branch, who were his confidants, at the relevant time. He further contended that inquiry proceedings were initiated against the appellant on the basis of complaint moved by one Malkiat Chand, but he was never examined by defendant-LIC to prove its case.

5. I have heard learned counsel for the appellant and perused the record.

6. There are allegations against the appellant that he had filled form No. 3807 alongwith indemnity bonds dated 29.10.2010

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having forged signatures of policy holder Tirath Ram, his wife Geeta Rani and agent Ashok Kumar, for issuance of duplicate policy bond, but on the date of filing of said indemnity bonds, the said policy holders were not residing in India. He has obtained loan against each of the policy vide cheque dated 04.11.2010 on the basis of said forged and duplicate documents. Thereafter, when the issue was exposed, he deposited embezzled amount of Rs.3,90,000/- alongwith interest with Branch office of defendant LIC at Nakodar. There were serious and grave allegations against the appellant regarding criminal misappropriation of funds. An FIR was also registered against the appellant in that regard. Another FIR Ex. D4 regarding forging signatures of policy holder Malkiat Chand and obtaining loan on the basis of same, was also registered against him. The allegations levelled against the appellant have been admitted by him before Inquiry Officer in the very first hearing when he was questioned regarding charges levelled against him. In his admission, he stated that he had got prepared duplicate policies in the name of Tirath Ram and Geeta Rani and had also received loan cheques regarding said policies and claimed that he had handed over said cheques to Nirmal Dass, brother of Tirath Ram. He also admitted that when the facts became known, he repaid the loan amount with drafts got issued from Punjab National Bank. It has come on record that while appearing as PW2, appellant could not deny the allegations as he admitted that he had obtained cheques of the loan amount. And the present case was regarding insurance policies of Tirath Ram and Geeta Rani and he was charge sheeted regarding the



same. He further admitted that defendant LIC had allowed loan against said policies and he had obtained cheques of the loan amount. Before the inquiry officer and trial court, he has admitted the entire case of defendant- LIC. It is well settled law that mere non-supplying of documents is not sufficient to discard entire inquiry proceedings, but it is for the plaintiff to plead and prove as to which documents were not supplied to him and how he was prejudiced in not supplying of the said documents. The appellant/plaintiff himself admitted wrongs committed by him during inquiry proceedings as well as during his cross examination before the learned Trial Court.

7. Concurrent findings have been recorded by both the Courts below and learned counsel for the appellant has failed to show that the same are perverse or erroneous or based on misreading, non-reading or mis-appreciation of the material evidence on record.

8. No question of law, muchless substantial question of law has been raised or arises for consideration in the present appeal. No other point has been urged.

9. In view of the above, present appeal is dismissed.

10. Pending application(s), if any, stand disposed of accordingly.

07.08.2024  
R.S.

(NAMIT KUMAR)  
JUDGE

Whether speaking/reasoned : Yes/No  
Whether Reportable : Yes/No