

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9667 of 2018

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Harendra Nath Srivastava

... .. Petitioner/s

Versus

The New India Assurance Company Ltd. and Ors

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shanti Pratap, Adv.
For the Respondent/s	:	Mr. Durgesh Kumar Singh, Adv. Mr. Abhijeet Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 27-02-2025 Heard Learned Counsel for the petitioner and

Learned Counsel for the respondents.

2. The petitioner has filed the present writ petition for quashing of the order dated 13.10.2017 passed by Chairman-cum- Managing Director of the New India Assurance Company Ltd., by which the representation of the petitioner has been disposed off as devoid of any merits and is not in accordance with the service conditions.

3. Learned Counsel for the petitioner submits that the petitioner was retired in the year 2003, and thereafter, for the settlement of dues, a letter bearing PTRO/IBD/CLASS II/CELL/04/6345, dated 17.02.2004, was issued to the petitioner, in which there are total 11 Heads of Recoveries assigned against the petitioner. Counsel further submits that the



recoveries relating to serial Nos. 7, 8, 9 and 10 in the said letter have either not been accepted or have been wrongly decided by the respondent authority. The petitioner has grievances only with respect to these recoveries, and for this reason, he has filed the present writ petition.

4. Learned Counsel for the respondent submits that the petitioner has moved before this Court for the 5th time, and time and again, this Hon'ble Court has directed the respondent authority to consider the claim of the petitioner and decide it in accordance with the law. Counsel further submits that, ultimately, the highest authority, i.e., the Chairman- cum- Managing Director of the New India Assurance Company Ltd., has decided the claim of the petitioner and found it to be devoid of merit, as it is not in accordance with the service conditions. Despite this, the petitioner has again moved before this Hon'ble Court.

5. It transpires to this Court that the present petitioner has moved before this Hon'ble Court for the 5th time. The first writ has filed as CWJC No. 1308 of 2004, which was disposed off vide order dated 02.09.2004. The second writ petition was filed in CWJC No. 15890 of 2004, which was decided on 06.12.2007. The third writ petition was filed in CWJC No.



12573 of 2011, which was decided on 21.01.2015 The fourth writ petition was filed in CWJC No. 14921 of 2016, which was decided on 20.07.2017. Thereafter, the highest authority of the New India Assurance Company Ltd., complied with the order dated 13.10.2017 and passed a reasoned order.

6. It has been found by this Court that the pleadings of the petitioner and respondent are contradictory as per their respective arguments, and there are disputed facts that cannot be decided by this Court.

7. In this background, it is hereby directed to the petitioner that, if he is still aggrieved by the order dated 13.10.2017 passed by the highest authority of the New India Assurance Company Ltd., he shall be at liberty to file a title suit before the Court of competent jurisdiction.

8. With the aforesaid directions, the present writ petition stands disposed off.

(Dr. Anshuman, J.)

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