

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 17126 OF 2024

Jyoti Mansing Valvi

... Petitioner

Versus

Executive Director Cum Disciplinary Authority & Anr.

... Respondents

.....

Mr. Dinesh R. Shinde for the Petitioner.

Mr. Roopadaksha Basu a/w. Ms. Heenal i/b M/s. The Law Point for the Respondents.

CORAM : **M. S. KARNIK AND**
N. R. BORKAR, JJ.

DATED : **19th JUNE, 2025.**

P.C. :

1. Heard learned counsel for the petitioner and learned counsel for the respondents.
2. Against the impugned order passed under Rule 39 (1) (g) of the Life Insurance Corporation of India (Staff) Rules, 1960, in terms of Rule 40 the employee has a right of an appeal to the appellate authority specified in Schedule I. Limitation for filing appeals is provided under Rule 41. It is the objection of the learned counsel for the respondents that the petitioner has to avail the remedy of appeal under Rule 40.
3. We find substance in this submission. The petitioner is, therefore, permitted to file an appeal under Rule 40 challenging the order impugned in this petition which is an alternate efficacious remedy. The time spent in prosecuting this petition is bonafide. In fact, the impugned order is dated

04.10.2024 and this petition was filed immediately on 24.10.2024 after the impugned order was served on the petitioner on 20.10.2024. There was no delay in filing the petition.

4. In this view of the matter, learned counsel for the respondents fairly submits that in case the petitioner files an appeal under Rule 40 before the appellate authority within 60 days, the appeal shall be heard on merits and no objection regarding limitation would be raised.

5. Keeping all contentions open of the petitioner, the petition is disposed of with the aforesaid terms.

(N. R. BORKAR, J.)

(M. S. KARNIK, J.)