IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2025

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.Nos.26878 & 26879 of 2014

V.Ganesan ... Petitioner in both W.Ps

Vs.

1.The Chairman & Managing Director,
National Insurance Company Ltd.,
No.3, Middleton Street,
Kolkatta – 700 071.

2.The General Manager,
National Insurance Company Ltd.,
No.3, Middleton Street,
Kolkatta – 700 071. ... Respondents in both W.Ps

Prayer in W.P.No.26878 of 2014: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of certiorarified mandamus to call for the records connected with the issue of the impugned orders dated 26.08.2013 of the 2nd respondent together with the order dated 03.06.2014 and 30.09.2019 of the 1st respondent, quash the same as illegal and void and consequently direct the respondents to open the sealed cover and promote the petitioner as Deputy General Manager with all attendant benefits of pay fixation, allowances, arrears, etc.

*Prayer amended as per order dated 22.11.2023 in WMP.No.28978 of 2023 in W.P.No.26878 of 2014.

Prayer in W.P.No.26879 of 2014: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of certiorarified mandamus to call for the records connected with the issue of the impugned order dated 26/08/2013 of the 2nd respondent together with the orders dated 03/06/2014 and 15/10/2020 of the 1st respondent, quash the same as illegal and void, consequently direct the respondent to open the sealed cover and promote the petitioner as Deputy General Manager with all attendant benefits of pay fixation, allowances, arrears etc.

*Prayer amended as per order dated 22.11.2023 in WMP.No.28804 of 2023in WP.No.26879 of 2014.

For Petitioner : Mr.T.Ravichandran
for M/S.Shree Law Services.

For Respondents : Mr.P.Raghunathan
for M/s.T.S.Gopalan & Co.

ORDER

These two writ petitions have been filed by the very same petitioner against the very same respondent and broadly the issue that arise for consideration before this Court in both the writ petitions is also one and the same and as such, both the matters are taken up for consideration together and are being disposed of by this common order.

2. Heard Mr.T.Ravichandran, learned counsel for the petitioner and Mr.P.Raghunathan, learned counsel for the respondents.

3. The subject matter of these two writ petitions are the orders of punishment and the orders passed in the appeal thereagainst, passed by the respondents, imposing the punishment of "reduction of basic pay by one stage and censure" by orders dated 26.08.2013 and 03.06.2014 respectively, passed by the Disciplinary Authority against the petitioner herein, in two different disciplinary proceedings initiated through charge-memos dated 14.01.2008 and 12.12.2007 respectively. It is agreed by the learned counsel appearing on either side that the grounds argued in both the writ petitions, and argued during the course of hearing are one and the same, and as such, the decision in one writ petition would govern the result of the other writ petition as well. Therefore, this court first proceed to examine W.P.No.26878 of 2014

4. While the petitioner was working as Regional Manager in respondent National Insurance Company Limited, Chennai Regional Office, he was subjected to disciplinary proceedings by issuing a Memorandum dated

14.01.2008 containing in all six charges. In response thereto, the petitioner submitted his reply dated 02.05.2008, denying all the charges and thereafter, an enquiry officer was appointed to conduct oral enquiry into the said charges. Accordingly, the inquiry authority, after having conducted a detailed enquiry in respect of all the charges covered by the Memorandum, dated 14.01.2008, submitted his report dated 15.12.2011 holding that Charge Nos.1 to 5 as partly proved and Charge No.6 as not proved. The said report of the inquiry authority was communicated to the petitioner, through letter dated 25.01.2012. Thereupon, the petitioner submitted his response on 29.02.2012. It was thereafter and after a lapse of 1½ of years, the 2nd respondent passed an order dated 26.08.2013 imposing major penalty of 'Reduction of basic pay by one stage' on the petitioner. Aggrieved thereby the petitioner filed an appeal before the 1st respondent on 18.09.2013. The said appeal was rejected by the 1st respondent by an order dated 03.06.2014. It was thereafter, the petitioner filed a memorial against the order passed by the 1st respondent before the HR Subcommittee of the Board of respondent Insurance Company, and an additional memorial was also submitted on 25.08.2014. However, as there was no response on the said memorial and additional memorial, the petitioner approached this Court by filing

W.P.No.26878 of 2014 challenging the order dated 26.08.2013 passed by the disciplinary authority and the order dated 03.06.2014 passed by the appellate authority.

5. During the pendency of the writ petition, the memorial filed by the petitioner was considered by the HR Subcommittee of the Board and an order was passed on 30.09.2019 modifying the punishment of 'Reduction of basic pay by one stage' to minor penalty of 'censure'. It was thereafter, the petitioner sought amendment of the prayer in the main writ petition duly challenging the said order dated 30.09.2019. Along with the amendment application to amend the prayer in the main writ petition, the petitioner also filed certain additional documents on 09.03.2021. All the said additional documents are in the nature of internal correspondence between the 2nd respondent and the Vigilance department of the respondent Insurance Company and the Central Vigilance Commission. The said additional documents contain the opinion dated 24.09.2012 of the disciplinary authority on the memorandum dated 14.01.2008.

6. A perusal of the said opinion dated 24.09.2012 would disclose that the disciplinary authority, after having considered the report of the inquiry authority, came to the conclusion that all the six charges that were levelled against the petitioner have not been proved. However, the said opinion was considered by the Vigilance Department of the Head Office of the respondent Insurance Company, and the said department through its letter dated 04.10.2012 sought advice from Central Vigilance Commission, duly expressing its views on the findings recorded by the inquiry authority as well as disciplinary authority. The Vigilance Department of the Head Office of the respondent Insurance Company agreed with the views of the inquiry authority on Charge Nos.1 to 5 and, while agreeing with the views of both the disciplinary authority and enquiry authority on Charge No.6, recommended for imposition of minor penalty of 'censure'. It was thereafter, the Vigilance Commission, through its letter dated 12.02.2013, suggested for imposition of suitable major penalty on the petitioner. Inspite of the same, the 2nd respondent disciplinary authority once again expressed his opinion through letter dated 23.04.2013 to the Central Vigilance Commission, reiterating his previous opinion stating that the charges do no warrant any punitive action

against the petitioner and he should be exonerated from all the charges contained in charge memo dated 14.01.2008, and the same was once again sent for advice to the Central Vigilance Commission. The Central Vigilance Commission, reiterated its previous views to impose suitable major penalty on the petitioner through its letter dated 06.08.2013. It was thereafter, the 2nd respondent passed the order dated 26.08.2013 imposing the major penalty of reduction of basic pay by one stage on the petitioner. Surprisingly, none of the correspondence that had transpired between the disciplinary authority, Chief Vigilance Officer of the Company, and the Central Vigilance Commission are reflected in the final order dated 26.08.2013.

7. The respondents filed a common counter-affidavits in both the writ petitions.

8. There is no dispute about the additional documents that are filed by the petitioner on 09.03.2021 nor on the factual aspects noted above. In the light of the above factual background, the question that would arise for consideration before this Court is whether the order passed by the 2nd respondent disciplinary authority dated 26.08.2013, as modified by the HR

Subcommittee of the Board i.e., the punishment of censure, is liable to be quashed or not?

9. As already noted above, the disciplinary authority, after having considered the findings recorded by the inquiry authority together with the contentions raised by the petitioner in his further representation against the report of the enquiry officer, came to the conclusion that all the six charges levelled against the petitioner as not proved and the same is evident from the opinion of the disciplinary authority dated 24.09.2012. For the purpose of clarity, the charge and the opinion on the respective charge of the disciplinary authority as reflected in its opinion dated 24.09.2012 are extracted hereunder:

Charge Nos.	***Charges***	***Opinion***
1	*The first Charge/allegation against the CO is that "Shri.V.Ganesan, Regional Manger, while working as Manager, MBRO-I in close co-operation of Shri M.M.Dutt, DGM arbitrarily appointed investigators for investigation of default liability claims of Reliance Industries Ltd. and Tata Tele Ltd. In total violation to CVC guidelines."* *Further the main allegations*	*The CDI has rightly concluded that there is no violation of the guidelines contained in the CVC Circular dated 18 December, 2003* *Then the CDI has evaluated the charge vis-à-vis the basic concept of maintaining transparency in selection/engagement of investigator.*

Charge Nos.	***Charges***	***Opinion***
	contained in statement of imputations are briefly described as - "Looking to the costs of investigation fees to be borne by National Insurance Co. Ltd, for the purpose of investigation in case of M/s. RIL, it was expected that transparency was to be maintained for selection of the investigators through appropriate tendering process as laid down by the CVC guidelines, which Shri G.Ganesan as the Manager Incharge, Misc. Deptt, intentionally did not advice to Shri M.M.Dutt and also failed to comply. The selection of these investigators was done in an arbitrarily manner without any basis and the method of selection and the process involved for such selection was not recorded through any official note sheet involving other officers of RO or the concerned DO. It was also not put on record as to why for the same work one agency is to be paid Rs.700/- and the other agency Rs.300/-"	*Here we need to evaluate this aspect together with the company's roles and regulations, the practices and also the records.* *As there is no violation of any of the rules and regulations of the company, and the actions of the CO, for which this charge is made, are in conformity with the practices adopted in the company, I opine that the charge is not proved.* *The CDI in his analysis has also referred to one more allegation contained in statement of imputations i.e. the possibility of paying more to one agency than the other. When the "possible" crime is not yet committed all other questions and also the answers are only hypothetical. Therefore we should neither Judge nor punish anyone for an uncommitted crime.* *Charge-I is a single charge and does not have any parts as divided by CDI. Hence evaluation of the charge in parts is not required.*

Charge Nos.	***Charges***	***Opinion***
		Now taking into consideration all the evidence brought on record I do not find any violation committed by the Charged Officer. *Hence I differ with the conclusion of CDI, And I conclude that the Charge-1 is not proved.*
2	*The Second charge/allegation against the CO is that "Shri V. Ganesan, Manager, in connivance with Shri M.M.Dutt, DGM, MBRO-I appointed Absolute Consultants Pvt. Ltd. Of Ahmadabad for investigation of default liability claims of Reliance Industries Ltd. without verifying their credentials from Ahmadabad RO of National Insurance Co. Ltd. on the face of the fact that Ahmadabad RO had instructed all their offices not to assign any survey/Investigation work to the above said firm".*	*Charge-II is also a single charge and it is not divided into parts. The full text of the 'conclusion' of the CDI clearly establishes that the charge is not proved at all. Here also we need to evaluate this aspect together with the company's rules and regulations, the practices and also the records.* *As there is no violation of any of the rules and regulations of the company; and the actions of the CO, for which this charge is made, are in conformity with the practices adopted in the company, I opine that the charge is not proved.* *When a rule is non-existent how could it be violated?* *And how could anyone be*

Charge Nos.	*Charges*	*Opinion*
		charge-sheeted for such "violation"
3	*The third charge/allegation against the CO is that "Shri V. Ganesan, Regional Manager, while working as Manager, MBRO-I in close connivance with Shri M. M.Dutt, AGM, MBRO-I appointed M/s ARMIS (Allied Risk Management & Insurance Services) for investigation of default claims of Reliance Industries Ltd. And investigation fees to the tune of Rs. 34,13,654/- was released as on August, 2006 for investigation of RII. Default claims, even though the investigation was carried out in a perfunctory manner".* *Further the main allegations contained in statement of imputation are briefly described as "the format for submission of investigation report contain the list of 12 documents for settlement of the claims, but in none of the cases M/s. ARMIS submitted the documents to NICL along with its report. These formats were neither checked nor initialed by any representatives of ARMIS. On a*	*The Investigation reports were submitted at DO. And it is the duty of the processing employees and the sanctioning authority, at the D.O. level to verify the requirements and take reasonable care in settling claims. The CO is in RO and his role is activated when the claims are referred to him. And such a requirement did not arise here. The CDI has confirmed this in his Analysis under para 14(i), (ii) and (iii)* *Further the CDI has concluded based on assumptions (as shown here under) under the following paras 15[1]* *(a)- "All people living in government quarters are government servants"* *(b)- "All Sahoos are related to each other"* *And my remarks for the following paras is shown here under 15 (i)* *(c)- "Ex. S-12/293 is self*

Charge Nos.	Charges	Opinion
	test check of 120 claims belonging to different customers located at Nadiad, Jamnager, Jalgaon etc It was found that the details submitted by ARMIS for the customers are totally in disagreement with the findings of the test check which indicates that M/s. ARMIS generated the reports without supporting documents. The investigation of M/s. ARMIS was carried out in perfunctory manner, but still the fees were released without any question asked. As the in charge of misc. Claims deptt. At RO it was the prime responsibility of Shri V. Ganesan to ensure that M/s. ARMIS carried out investigation properly and the deviations were to be brought to the notice of Shri M. M. Dutt, AGM, which he did not fulfill.	*explanatory"* *and (d) There is no material difference between the investigation done by M/S ARMIS and Mr. K.B.Behara.* *They remain assumptions & wrong conclusions and do not prove anything conclusively.* *The charge is not proved at all.*
4	*The fourth allegation against the CO is that "Shri M. M.Dutt, Asstt. General Manager, MBRO-I and Shri V. Ganesan, Manager, Misc. Deptt., MBRO-I in close co-operation appointed M/s. ARMIS (Allied Risk Management & Insurance Services) and M/s. Absolute consultants Pvt. Ltd. For Investigation of default liability*	*Even though the CDI had concluded that "there was no verification of the Investigation reports of their qualitative requirement by officials of MBRO-I is substantiated"; what is pertinent here is (i) is verification of the investigation reports required? And If so, (ii) who should initiate it and (iii) who is primarily responsible?*

Charge Nos.	***Charges***	***Opinion***
	claim of RIL totally dispensing with the points of Investigation which Shri A.R. Banerjee, the previous AGM had practiced and without applying their mind, accepted the suggested pattern of investigation of M/s. Absolute Consultants Ltd. Through their offer letter dated 25.3.2005, thereby making it convenient on the part of the investigating agencies to generate investigation reports as per their own convenience". *Further the main allegations contained in statement of imputations are briefly described as - i) without analyzing the quality of investigation which these two agencies (M/s. Absolute Consultants and M/s. ARMIS) had carried out at earlier occasions. Shri V. Ganeshan & Shri MM Dutt allowed them to carry out the Investigation for 10000 cases each; ii) The list of documents which were printed out on the field verification reports as supporting documents to the finding of reports were neither submitted to MBRO-I nor MBRO-I asked for it; iii) As there was no*	*The quality check if at all required Is to be done at the claim settling level(D.O.) and their report should be sent to RO. Responsibility of the RO officials is secondary. Therefore the charge Itself is not on firm grounds. I hold that the charge is not proved.*

Charge Nos.	***Charges***	***Opinion***
	verification of the investigation reports for their qualitative requirement by any officials of MBRO-I, both agencies were submitted computer generated reports without actual investigation having been done in the field as could be revealed in the reinvestigation of 120 cases on test check basis; and iv) The dilactory tactics followed by Shri MM Dutt and Shri V Ganeshan in Investigation of default liability claims through the above agencies has resulted in siphoning of company funds through investigation fees where Investigation has not been carried out on ground.	
5	*The fifth charge /allegation against the CO is that "Shri V Ganesan, Manager, MBRO-I, appointed M/s. ARMIS for investigation of 22,919 default liability claims of Tata Tele services @ Rs.300/- per case involving Investigation fees to the tune of Rs.68,75,700/- without any approval from Head Office and the selection of the Investigating agency was not done as per CVC guidelines".*	*The charge is (i) that approval from HO is not taken and (ii) selection of the Investigating Agency was not done as per CVC guidelines.* *In both the aspects it was established that they are not required. Hence the charge is not proved.* *Now regarding CDI's conclusion that the appointment of the investigating agency is*

Charge Nos.	***Charges***	***Opinion***
	Further the charge/allegation contained in, statement of imputations are briefly described as - The selection of M/s ARMIS was totally arbitrary and knowing fully well the financial state involved, Shri V. Ganesan and shri M. M. Dutt did not go in for open tendering system as laid down by CVC guidelines. No permission was either sought or taken from the Head Office of National Insurance Co. Ltd., for such an action. The assignment of Investigations job to M/s. ARMIS for Tata Tele cases were done in clandestine manner as Shri M. M. Dutt while discussing about Investigation of default claims of Reliance on 18.6.2005 at the Board Room of HO with the CMD and other General Managers did not refer about the Investigation of default liability claims of Tata Tele, although by 18.06.2005 already 22801 cases were handed over by Divisional Manager DO-VIII, Mumbai to M/s. ARMIS as per the directions of Shri V Ganesan of MBRO-I.	*done solely by the CO and that he did not consult his senior Mr. MM Dutt is not a subject matter of the charge, Even if we consider the same, the evidence is silent and it does not in any way prove that CO acted alone.*

Charge Nos.	Charges	Opinion
6	*The Sixth Charge against the CO is that "Shri V Ganesan, Manager, MBRO-I, with ulterior motive gave contradictory instructions to Divisional Manager, DO-VIII, Mumbai to withdraw 3356 cases of default insurance claims from M/s. V.B. Associates belonging to the states of Maharashtra and Andhra Pradesh, even though the rate charged by M/s. V. B. Associates, Mumbai was lower than that of M/s. ARMIS".*	*I concur with the analysis of the CDI that the charge VI is not proved.*

10. Having expressed the opinion as above, the disciplinary authority recorded its conclusion as under: pg.11 of ATS

> *"Since all the charges have been made without conclusive evidence, the CDI has not been able to hold any of the charges as "FULLY PROVED". In view of the above and examining the matter in its entirety, I am of the considered opinion that Mr.V.Ganesan's aforesaid actions in dealing with 'DEFAULT LIABILITY CLAIMS' do no warrant any punitive action and he be exonerated from the charges contained vide Charge Memo dated 14.01.2008."*

11. As against the detailed consideration of the charges by the disciplinary authority, the Chief Vigilance Officer of the respondent

Company, through its letter dated 04.10.2012, has chosen to discard the opinion of the disciplinary authority and agreed with the views of the inquiry authority. Having expressed as above, the Chief Vigilance Officer also in his conclusions has chosen to recommend for imposition of a minor penalty only. The relevant portion from the note of the Chief Vigilance Officer is extracted hereunder:

> *"In this context we would like to draw your kind attention to the fact that Shri Ganeshen has got promotion in the present rank (Scale-V) in the year 2002 and reached the maximum of the pay sale in 2003. He had appeared for the next promotion in the years 2008, 2009 & also 2010 Thus, he is functioning without any increment/promotion for considerable period and Implementation of penalty of withholding of increment is not possible. Besides, consideration of penalty like "reduction of basic pay up to the period of 3 years" is also not possible in as much as our CDA Rule incorporating this penalty under the heading "minor penalties" has boon amended only in 2012 and as per Rule 1(2) of National Insurance (CDA) Rules, 2012, proceedings which were initiated under GI (CDA) Rules, 1975 shall continue to remain operative and binding till conclusion of the proceedings. No provision of the disciplinary proceedings under the erstwhite rules shall become Inoperative consequent upon coming into operation of the new NI (CDA) Rules, 2012. Further, CBI, Mumbai having investigated the underwriting as well as claim aspects under default liability and handset policy issued to M/s. RIL decided to prosecute 9 officers whereas no such action has been recommended against Shri V. Ganeshan, RM. Considering all these aspects and also the track record of the CO* ***we recommend imposition of minor penalty of "CENSURE"*** *against Shri, Ganeshan,*

R.M. A sheet containing details of penalties/action Initiated against various officers arising out of irregular underwriting and settlement of claims under default liability and handset policies issued to M/s. RIL is attached herewith for your kind perusal"

12. As against the above views of the disciplinary authority and the Chief Vigilance Officer, the Central Vigilance Commission, whose advice was sought by the 2nd respondent, recommended for a suitable major penalty through its letter dated 12.02.2013, and when the same was required to be reconsidered, the Central Vigilance Commission reiterated its stand through its letter dated 06.08.2013. It was thereafter, the disciplinary authority passed the order dated 26.08.2013.

13. A perusal of the impugned order dated 26.08.2013 would disclose that the disciplinary authority, gave a go-by to its previous opinion, and totally changed its approach and recorded a finding that the petitioner should have acted more prudently and ensured total transparency, and that there was supervisory lapse on his part in selection of investigators in default liability claims, even though there are no specific official guidelines requiring the same. Thus, the disciplinary authority proceeded to impose the punishment of reduction of basic pay by one stage.

14. From the perusal of the said order dated 26.08.2013, there is nothing to indicate that the disciplinary authority has taken into consideration the objections raised by the petitioner through his further representation dated 29.02.2012. The disciplinary authority also has not chosen to record a finding that it agrees with the findings of the inquiry authority on all the six charges. Thus, the order dated 26.08.2013 is liable to be quashed for want of proper consideration of the contentions raised by the petitioner in his further representation dated 29.02.2012. Shockingly, there is not even a reference to the same while passing the order dated 26.08.2013.

15. Be that as it may, from the above discussion, it is evident that the disciplinary authority is firmly of the view that all the charges levelled against the petitioner as not proved. When the Central Vigilance Commission suggested for imposition of suitable major penalty, the disciplinary authority reiterated its stand and required the Central Vigilance Commission to reconsider its previous view. This shows that the disciplinary authority firmly of the view that all the charges that are levelled against the petitioner were not proved. But the disciplinary authority appears to have been carried away by the views of the Chief Vigilance Officer coupled with

the advice of the Central Vigilance Commission and proceeded to pass the order dated 26.08.2013. Though the views of the Chief Vigilance Officer and advice of the Central Vigilance Commission are not reflected in the order dated 26.08.2013 from the material that is placed before this Court it is evident that the mind of the disciplinary authority has been fully influenced by extraneous considerations, such as the advice of the Chief Vigilance Officer and the view of the Central Vigilance Commission. The order dated 26.08.2013 is totally silent on the views expressed by the Chief Vigilance Officer and the advice of the Central Vigilance Commission.

16. If at all, in case, if the disciplinary authority is convinced with the views of the Chief Vigilance Officer and the advice of the Central Vigilance Commission, in all fairness, the disciplinary authority ought to have made a reference to the same while passing the final order in the disciplinary proceedings and ought to have recorded his reasons for agreeing with the said views after having afforded an opportunity to the petitioner on the views expressed by the Chief Vigilance Officer and the advice of the Central Vigilance Commission. But in the instance case, none of the above procedure was adopted. In the absence of the same, the order dated

26.08.2013 suffers from the voice of non application of mind, violation of principles of natural justice besides being influenced by extraneous considerations. The very purpose of designating an authority or officer as disciplinary authority in respect of a certain cadre of employees is with a view to give final authority to such officer to take a conscious decision in the matter of disciplinary proceeding. If the disciplinary authority is to abdicate its powers to other agencies or to succumb to the views of the other authorities, the very purpose of designating the disciplinary authority would be defeated.

17. When the petitioner filed an appeal against the said order dated 26.08.2013, the same was considered by the 1st respondent appellate authority in a mechanical manner and proceeded to confirm the same without considering any of the grounds raised by the petitioner in his appeal. No doubt, the HR Subcommittee of the Board, having considered the memorial and additional memorial filed by the petitioner, has chosen to modify the major penalty of 'reduction of basic pay by one stage' to that of minor penalty of 'censure'. The said order also cannot be allowed to stand, in the light of the discussion made herein above, in respect of original order dated 26.08.2013.

In the light of the above, the impugned order dated 26.08.2013 passed by the 2nd respondent as well as the orders dated 03.06.2014 and 30.09.2019 passed by the 1st respondent are also liable to be quashed and accordingly, they are hereby quashed.

18. The subject matter of W.P.No.26879 of 2014 is the charge-memo dated 12.12.2007 and the consequential punishment of censure imposed on the petitioner by order dated 26.08.2013 as confirmed by orders dated 03.06.2014 and 15.10.2020 are impugned. Even in respect of these impugned proceedings also, like the other disciplinary proceedings, which is the subject matter of W.P.No.26878 of 2014, the Disciplinary Authority has come to the conclusion that the petitioner is deserved to be exonerated from the charges framed against him through charge-memo dated 12.12.2007. But the said view and opinion of the Disciplinary Authority was influenced by the external authorities such as, Vigilance Department of the Respondent Company and the Central Vigilance Commission. Therefore, the entire reasoning and discussion supra in respect of the impugned orders in W.P.No.26878 of 2014, would *mutatis mutandis* apply to the impugned orders in W.P.No.26879 of 2014 also.

19. In the light of the above, the Order, dated 26.08.2013 and 03.06.2014 abd 15.10.2020 passed by the respondents, which are impugned W.P.No.26879 of 2014 are also liable to be quashed and they are accordingly quashed.

20. Further, it is also necessary to notice that during the pendency of the disciplinary proceedings, the case of the petitioner came up for consideration for promotion to the post of Deputy General Manager but the same was kept in a sealed cover due to pendency of the disciplinary proceedings.

21. Having quashed the impugned orders, this Court does not see any reason to remit the matter back to the respondents for reconsideration, as the petitioner had already attained the age of superannuation as early as in the year 2015 and is now aged 70 years. In the light of the above, the respondents are directed to reopen the sealed cover and pass appropriate orders thereon for promoting the petitioner to the post of Deputy General Manager in terms of the results already kept in the sealed cover, and to extent

all other consequential benefits, including the monetary benefits, to the petitioner.

22. Accordingly, both the writ petitions are allowed. No costs. Connected miscellaneous petitions, if any, shall stand closed.

16.07.2025

dpa

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No

To

1.The Chairman & Managing Director,
National Insurance Company Ltd.,
No.3, Middleton Street,
Kolkatta – 700 071.

2.The General Manager,
National Insurance Company Ltd.,
No.3, Middleton Street,
Kolkatta – 700 071.

MUMMINENI SUDHEER KUMAR, J.

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W.P.No.26878 & 26879 of 2014

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