



W.P(MD)No.11268 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 21.11.2025

CORAM

THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

WP(MD)No.11268 of 2019

R.Sukumar

...Petitioner

vs.

1.The Chairman cum Managing Director,
Oriental Insurance Company Limited,
Oriental House, A22/27, Asaf Ali Road,
New Delhi - 110 002.

2.The Manager,
The Oriental Insurance Company Limited,
Regional Office,
II Floor, Ramalinga Radiance,
78, Thirupparankundram Road,
Andalpuram,
Madurai - 625 003.

3.The Divisional Manager,
The Oriental Insurance Company Limited,
P.K.S.A. Arumugappa Road,
Sivakasi,
Virudhunagar District.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records of the impugned proceedings of the 3rd respondent in Ref.Nil dated 10.05.2017 and quash the same and consequently to direct the respondents, to settle the entire terminal benefits to the petitioner with interest at the rate of 12% from 31.03.2017, without any deductions.



W.P(MD)No.11268 of 2019

For Petitioner : Mr.K.S.Muthu

For Respondents : Mr.C.Jawahar Ravindran
for R2

ORDER

The present writ petition has been filed challenging the proceedings of the third respondent dated 10.05.2017, by and in which, the third respondent recovered a sum of Rs.2,07,719/- from the earned leave encashment amount of the petitioner.

2. Heard both sides.

3. The learned counsel for the petitioner would submit that the petitioner works in the respondents Corporation as a Development Officer and he had unblemished services. It is his further submission that the petitioner was allowed to retire voluntarily and after the retirement, he was issued with the impugned proceedings on 10.05.2017 for recovering a sum of Rs.2,07,719/- being excess amount paid to the petitioner. The main contention put forth by the learned counsel is that before passing the impugned proceedings, there was no proper notice issued to the petitioner. Therefore, the impugned proceedings is liable to be quashed on account of violations of principles of natural justice.



W.P(MD)No.11268 of 2019

4. The learned counsel appearing for the second respondent would submit that only based upon the letter sent by the petitioner, the amount was deducted and that there were earlier correspondences between the petitioner and the respondents. So, the issuance of prior notice does not arise.

5. I have given my anxious consideration to the submissions made on either sides.

6. While looking at the impugned order, there is no mention about any prior communication as alleged by the learned counsel for the second respondent. The learned counsel was not able to mention, on which date, a prior notice was issued to the petitioner, before passing the impugned order. Therefore, it is apparently clear that the impugned order was passed without any prior notice. Apart from that, as against the respondent Nos.1 and 3, the present writ petition was dismissed vide order dated 15.07.2025.

7. In such circumstances, this Court deems it appropriate to quash the impugned order and accordingly, the impugned order of the third respondent, dated 10.05.2017 is quashed and the respondents are at liberty to issue notice upon the petitioner calling for his objections within a period of two weeks from the date of receipt of a copy of this order. On receipt of such notice, the petitioner is directed to submit his explanation within a period of two weeks



W.P(MD)No.11268 of 2019

from the date of receipt of notice. On receipt of explanation / reply, the respondents are at liberty to pass orders afresh within a period of two weeks from the date of receipt of the explanation / reply, on its own merits and in accordance with law.

8. In the result, this Writ Petition stand allowed as indicated above.

No costs.

21.11.2025

Index : Yes/No

NCC : Yes/No

Internet : Yes

mbi

To

The Divisional Manager,
The Oriental Insurance Company Limited,
P.K.S.A. Arumugappa Road,
Sivakasi,
Virudhunagar District.

C.KUMARAPPAN, J.



WEB COPY



W.P(MD)No.11268 of 2019
mbi

WP(MD)No.11268 of 2019

21.11.2025