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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 2855/2012 & CRL.M.A. 11637/2016

DAVINDER KUMAR BHARDWAJ

.....Petitioner

Through: Mr. Anuj Chauhan, Advocate.

versus

UNITED INDIA INSURANCE CO LTD.

.....Respondent

Through: Mr. Pankaj Seth & Mr. Vibhu
Bakshi, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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27.02.2025

1. The petitioner challenges an order dated 26.03.2009 passed by the disciplinary authority, by which he was held guilty of antedating a Motor Cover Note in favour of the beneficiary, resulting in a penalty of reduction in basic pay by ten steps.
2. The petitioner opted for voluntary retirement, and was relieved on 02.07.2010. However, the petitioner is aggrieved by the action of the respondents in withholding the accrued terminal benefits on account of recovery, arising from the penalty imposed.
3. Although an attempt was made to explore a mutual resolution, as indicated in the order dated 13.02.2025, learned counsel for the parties state that they have unfortunately not been able to work out their disputes.
4. In the counter affidavit, the respondent has taken a preliminary objection that the impugned disciplinary order dated 26.03.2009 is



amenable to appeal under the General Insurance (Conduct, Discipline and Appeal) Rules, 1975 [“Rules”], of the respondent-Company.

5. Having regard to the fact that the arguments raised by the petitioner are largely factual, particularly with regard to whether the manipulation in the Motor Cover Note was undertaken by him or by the beneficiary, I am of the view that exercise of the appellate remedy, in the facts and circumstances of this case, is appropriate, rather than limiting the petitioner to the grounds of perversity and arbitrariness available under Article 226 of the Constitution.

6. For the aforesaid reasons, the writ petition is disposed of, with liberty to the petitioner to approach the appellate authority under the said Rules. If the appeal is filed within a period of thirty days from today, the appellate authority is directed to dispose of it on merits, rather than the on the point of limitation.

PRATEEK JALAN, J

FEBRUARY 27, 2025

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