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

+ **W.P.(C) 2731/2016 & CM APPL. 11494/2016**

ANJALI GUPTA

.....Petitioner

Through: **Mr. Shaiwal Srivastava, Advocate.**

versus

NATIONAL INSURANCE COMPANY LTD

.....Respondent

Through: **Mr. Madan Gera and Mr. Jagat Mehra, Advocates.**

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

21.04.2025

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1. The petitioner has filed this writ petition against a disciplinary order dated 31.08.2015, by which she has been terminated from the services of the respondent Corporation, and an appellate order dated 23.02.2016, by which the disciplinary order has been affirmed.
2. One of the objections taken in the counter affidavit is that the petitioner ought to have availed of the remedy of filing a Memorial before the concerned authority of the respondent under Rule 40 of the National Insurance Company Limited (Conduct, Discipline & Appeal) Rules, 2014 ["Rules"].
3. Learned counsel for the petitioner submits that the petition may be disposed of, permitting the petitioner to file such a Memorial and for consideration of the Memorial on merits, notwithstanding the prescribed



period of six months in the Rules, for filing of a Memorial. He submits that a time-bound disposal of the Memorial would permit the petitioner to agitate all grievances before the respondent's domestic forum, rather than confining her to the grounds of challenge available in the writ petition.

4. Having heard learned counsel for the parties, I am of the view that it is appropriate to accept the petitioner's request.

5. In these circumstances, the writ petition is disposed of, by accepting the preliminary submission of the respondent that the petitioner ought to file a Memorial under Rule 40 of the Rules with the concerned authority of the respondent.

6. Although the appellate order was passed on 23.02.2016, the petitioner has been before this Court in the present writ petition since March, 2016. In view of the fact that the present petition has been pending since then, it is further directed that the Memorial will be considered on merits and not dismissed on account of limitation if it is filed within four weeks from today.

7. The concerned authority of the respondent is directed to dispose of the Memorial, preferably within a period of eight weeks after it is filed.

PRATEEK JALAN, J

APRIL 21, 2025

Uk/JM/