

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1179 of 2017

Pranav Kumar Jha Son of Shri Vijay Kant Jha, Resident of Village-Bhushola, P.S.-Phulwarisharif, Distt.-Patna at Present Working as Higher Grade Assistant, In the Office of Sr. Branch Manager, LIC of India, Jahanabad Branch Office, Under Divisional Office-1

... .. Petitioner/s

Versus

1. Life Insurance Corporation Of India
2. The Chairman, LIC of India, Yogakshema' Jeevan Bima Marg, Mumbai: 400021,
3. The Zonal Manager, LIC of India, East Central Zonal Office, Jeevan Deep 5th Floor, Exhibition Road
4. Sr, Divisional Manager, Lic of India, Patna Division-1,'Jeevan Prakash' Mazaharul Haque Path, Patna
5. The Manager PandIR/Dm. LIC of India, Patna Division-1, "Jeevan Prakash", Mazaharul Haque Path, Patna
6. The Branch Manager, LIC of India, Rajgir Branch Office Under Patna Divisional Office-1, Rajgir.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Nilendu Kr. Choudhary, Advocate
For the Respondent/s	:	Mr. Nilanjan Chatterjee, Advocate
		Mr. Ujjwal Raj, Advocate
		Mr. Sahil Kumar, Advocate
		Mr. Anirvan Choudhuri, Advocate
		Mr. Jyoti Prakash, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

6 18-02-2026 The petitioner is an employee of Life Insurance Corporation of India (hereinafter described as 'LICI'), presently posted at Indore in the State of Madhya Pradesh. He was appointed as Assistant in the LICI on 20th March, 1996. He was also the Base Secretary of the LIC Employees' Association under the banner of the Life Insurance Workers' Union, Patna



Division. Being the Secretary of the Employees' Association, he used to visit various offices within the Division. While he was posted at Rajgir, he had some differences of opinion with the Branch Manager of Rajgir Division. On the sole reason to victimise him, the Manager (P&IR)/DM, Patna Divisional Office-I, issued a letter dated 24th December, 2013, directing the petitioner to submit an explanation within seven days from the date of receipt of such letter, alleging, *inter alia*, that on 8th October, 2013, the petitioner abused the Branch Manager, Rajgir Division, using unparliamentary and filthy language. The petitioner duly submitted his explanation denying all such allegations, but without taking resort to a preliminary inquiry, a departmental memo of charge was served upon the petitioner along with certain other documents. Thus, the petitioner was subjected to departmental proceedings.

2. Suffice it to say that in the disciplinary proceeding, the petitioner was held guilty of misconduct. Thereafter, the petitioner was served with a second show-cause notice. Finally, the departmental authority passed an order dated 31st January, 2015, imposing the penalty of withholding two increments permanently, as applicable to his cadre. The petitioner assailed the said order passed by the disciplinary authority in appeal and



subsequently, by filing a memorial, and the aforesaid penalty was affirmed up to the level of Chairman, LIC. This prompted the petitioner to invoke the Court's jurisdiction under Article 226 of the Constitution for the following reliefs:—

“i. For issuance of appropriate writ(s), Rule(s), direction(s) in the nature of mandamus commanding the respondents concerned for quashing the order dated – 31.01.2015, passed by the Sr. Divisional Manager -cum- the Disciplinary Authority, LIC of India, Patna Division I, against the petitioner, by which a penalty of "withholding of two increments permanently as applicable to his cadre" has been passed in terms of Regulation 39 (1)(b) of LIC of India (Staff) Regulation 1960, without providing the reasonable opportunities and without supplying the most relevant documents to the petitioner.

ii. For quashing of Appellate Order dated 26.05.2015 passed by the Zonal Manager cum-the Appellate Authority, East Central Zone, Patna by which the petitioner's



appeal dated 21.02.2015 has been rejected & withholding the order of penalty dated- 31.01.2015.

iii. For quashing of order dated 27.11.2015 passed by the Chairman of LIC of India, by which the petitioner's Memorial dated 23.06.2015 has been rejected, without considering the relevant facts and circumstances of the case.

iv. For grant of other relief(s) to which the petitioner may found entitled to, on the facts and circumstances of the case.”

3. I have heard the learned Advocate for the petitioner and the learned Advocate for the LIC, duly representing the respondent. In the course of his argument, the learned Advocate on behalf of the petitioner has pointed out a series of lacunae in the inquiry proceeding, viz., the petitioner was not allowed assistance of one of his colleagues to defend him. Subsequently, though the prayer for a defence assistant filed by the petitioner was allowed, no documents were supplied to him. He was not properly allowed to cross-examine the witnesses and, last but not the least, the impugned punishment is grossly disproportionate to the allegation levelled against the petitioner.

4. Learned Advocate on behalf of the LIC, on the



other hand, submits that the professional duty and ethics of an employee enjoin a duty to obey the senior officers of the establishment. The fact remains that the petitioner misused his post as Secretary of the Workers' Union and abused the Branch Manager, Rajgir Division of LIC, in abusive language. The act of the petitioner is per se a glaring instance of misconduct. It would not be possible for the Manager of the Branch to run the Branch, commanding authority over the employees under him, if the employees found that the Branch Manager was being abused by the Secretary of the Workers' Union. Since he abused the Branch Manager of Rajgir Division, which was proved during the inquiry, punishment was passed by the disciplinary authority, which was affirmed up to the level of the Chairman of LIC. There is no reason to interfere with the order of punishment.

5. Learned Advocate on behalf of the respondents further submits that the respondents have produced the original record of the departmental proceeding. He invites the Court to peruse the original record of the departmental proceeding to come to an independent finding as to whether the petitioner was granted adequate opportunity in the departmental proceeding and whether the principle of natural justice in conducting the



departmental inquiry was violated or not. This Court has perused the record of the departmental inquiry. This Court finds that the petitioner was allowed adequate opportunity to place his defense and the principle of natural justice was duly provided by the inquiry authority, disciplinary authority and the superior authority up to the level of the Chairman, LIC. This Court does not find any fault on the part of the respondents in arriving at a conclusion that the petitioner was guilty of misconduct by abusing the Branch Manager, Rajgir Division, LIC. Now comes the question regarding the proportionality of the nature of misconduct and the order of punishment passed against the petitioner.

6. Having heard the submissions made by the learned Advocates for the petitioner and the respondents and, on careful perusal of the entire materials on record, this Court finds that the only allegation against the petitioner is that he abused the Branch Manager, Rajgir Division, using unparliamentary and filthy language. For such misconduct, punishment of withholding of two increments permanently, as applicable to his cadre, has been passed. Even assuming that the petitioner committed the misconduct as alleged by abusing the Branch Manager, Rajgir Division, the only consideration is as to



whether the punishment inflicted upon the petitioner is proportionate to the misconduct. In my considered opinion, a punishment in the form of pecuniary loss or curtailment of two increments permanently is not proportionate to the charge of using abusive words against the Branch Manager, Rajgir Division. If an employee, who was an Assistant at the relevant point of time in the establishment, abused his superior officer, he could have been cautioned or censured, but in the considered opinion of this Court, the graver punishment of withholding two increments permanently from the salary of the petitioner is not proportionate to his guilt. Therefore, this Court is of the view that the punishment is required to be modified.

7. For the reasons stated above, the instant writ petition is disposed of by modifying the punishment of withholding of two increments from the date of passing of the order by disciplinary authority till the date of delivery of final judgment. From the month of March 2026, the petitioner is entitled to get the increments which had been withheld along with his salary, meaning thereby, he is not entitled to get the arrears of two increments which were withheld from the date of the order passed by the disciplinary authority till February 2026.

8. With the above modification, the instant writ



petition is disposed of.

(Bibek Chaudhuri, J)

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