

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.839 of 2025
In
Civil Writ Jurisdiction Case No.3344 of 2018

1. The Life Insurance Corporation of India through its Chairman, Life Insurance Corporation of India, Central Office Yogakshema, Jeevan Bima Marg, Mumbai- 400021.
2. The Chairman, Life Insurance Corporation of India, through its Chairman, Life Insurance Corporation of India, Central Office Yogakshema, Jeevan Bima Marg, Mumbai- 400021.
3. The Zonal Manager, Life Insurance Corporation of India, East Central Zone, Jeevan Deep (5th Floor), Exhibition Road, Patna- 800001.
4. The Chief (PER-ER), Life Insurance Corporation of India, Central Office Yogakshema, Jeevan Bima Marg, Mumbai- 400021.
5. The Senior Divisional Manager, Life Insurance Corporation of India, Patna Divisional Office- 1, Jeevan Prakash, Fraser Road, Patna- 800001.
6. The Manager (P and IR), Life Insurance Corporation Of India, Patna Divisional Office- 1, Jeevan Prakash, Fraser Road, Patna - 800001.
7. The then Manager (CRM) and Enquiry Office, vide Chargesheet dated 15.03.2014, Life Insurance Corporation of India, Patna Divisional Office - 1, Jeevan Prakash, Fraser Road, Patna - 800001.

... .. Appellant/s

Versus

Amrendra Kumar Ojha S/o- Late Hariganesh Ojha, Resident of -A/51, Sachivalay Colony, P.O.- Lohianagar, P.S.- Kankarbagh, District- Patna - 800020.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Abhimanyu Vatsa, Adv. Mr. Rakesh Kumar, Adv. Mr. Sameer Sawarn, Adv. Mr. Rajnikant Singh, Adv.
For the Respondent/s	:	Mr. Amrendra Kumar Ojha (In Person)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
CAV JUDGMENT
(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)

Date : 24-04-2026

We have heard Mr. Abhimanyu Vatsa, learned counsel appearing on behalf of the Life Insurance Corporation of India and Others and the respondent, Mr. Amrendra Kumar Ojha (In Person).



2. The present intra-court appeal under Clause 10 of the Letters Patent Appeal has been preferred challenging the order/judgment dated 04.07.2025 passed by a learned Single Judge of this Court in CWJC No. 3344 of 2018, whereby and whereunder the impugned order of the disciplinary authority, inflicting the petitioner with the penalty of **“Reductions by two stages in the time scale of pay applicable to his cadre”** as directed under order dated 07.04.2015 as well as the appellate order dated 14.12.2015 have been set aside. The respondents are further directed to restore the petitioner’s scale of pay and extend difference of pay from time to time after calculating the same within a stipulated period.

3. The facts, in brief, which led to the filing of the present appeal are that the writ petitioner while working as a Stenographer in the office of the Sales Training Centre of Life India Corporation (hereinafter referred to as LIC), was subjected to an enquiry which led to issuance of a memo of charge dated 15.03.2014 under Regulation No. 39(2) of Life Insurance Corporation of India (Staff) Regulation, 1960. The writ petitioner, in sum and substance, was allegedly found involved in showing utter disregard to his seniors by using derogatory language in his letters, besides he levelled serious allegations against them without any valid reason by using offensive



language and even threatened the authorities of lodging a criminal case. The language of the petitioner was not found to be conducive and in utter disregard to the office discipline, thus the petitioner is said to have acted in a manner prejudicial to good conduct and detrimental to the interest of Corporation, thereby violating the provisions of Regulation 21 and 24 read with Regulation 39(1) of the Life Insurance Corporation of India (Staff) Regulation, 1960.

4. Upon receipt of the memo of charge, the petitioner has filed his representation stating therein that he is unable to file his reply in absence of the documents as referred in the memo of charge, based upon which the LIC proposes to prove the charges. Besides the aforesaid documents, the petitioner has also requested to furnish other documents. On receipt of the letter of the petitioner, the Corporation under its letter dated 09.05.2014, stated that any document pertaining to the charges, shall be furnished to the petitioner during the course of enquiry and he would also be provided reasonable opportunities for cross-examination of the witnesses. Subsequent thereto, one Sri Saurav Kumar Pandey, Manager (CRM) and Sri Manoj Kumar, AO (PNGS) Divisional Office, Patna were appointed as an Enquiry Officer and Presenting Officer, respectively. The Enquiry Officer directed the petitioner to ensure his presence



and also advised to apply for Defence Assistant before the Disciplinary Authority, with consent of such employee, for his assistance in the proceeding. On receipt of the said letter, the petitioner made a response to the Enquiry Officer with a request to defer further hearing, till disposal of an appeal filed before the General Manager under Regulation 47(1)(b) of Life Insurance Corporation of India (Staff) Regulation, 1960. The Enquiry Officer did not accede to his prayer and issued a further letter directing him to ensure his appearance, failing which it was made clear that an *ex-parte* enquiry shall be conducted.

5. The writ petitioner filed another representation before the Senior Divisional Manager, requesting therein to approve the name of Sri Binay Kumar Sinha, Internal Audit Assistant, Internal Audit Department, Patna Centre as an Assisting Employee/ Defence Assistant to place the petitioner's case in the disciplinary proceeding. The request of the petitioner for appointing Sri Binay Kumar Sinha as Assistant Employee came to be rejected. The Presenting Officer was asked to furnish his report and submissions. After hearing the Presenting Officer, the Enquiry Officer asked the petitioner to defend the charges levelled against him. The petitioner requested to the Enquiry Officer that his request for the approval of Defence Assistant is pending before the Senior Divisional Manager-cum-Disciplinary



Authority, therefore he prayed to fix the matter after getting approval of the Defence Assistant. The Enquiry Officer concluded the Enquiry and gave a finding that all the charges levelled in the memo of charge stand proved. Consequently, second show-cause notice was issued on 09.02.2015 alongwith the report of the Enquiry Officer. The show-cause notice as well as the enquiry report were put to challenge before this Court in CWJC No. 4977 of 2015, which came to be disposed off on 02.04.2015 directing the petitioner to take all the contentions raised in CWJC No. 4977 of 2015 before the Disciplinary Authority.

6. In pursuant thereof, the petitioner filed his reply to the second show-cause, bringing on record the entire facts. However, it did not satisfy the Disciplinary Authority, who proceeded to impose the penalty on 07.04.2015, inflicting the punishment of **“Reductions by two stages in the time scale of pay applicable to his cadre”** in terms of Regulation 39(1)(d) of Life Insurance Corporation of India (Staff) Regulation, 1960. Aggrieved, the writ petitioner preferred an appeal before the Appellate Authority on 11.05.2015 which also stood dismissed and the order of the punishment passed by the Disciplinary Authority was confirmed vide order dated 14.12.2015. The afore-noted order of punishment passed by the Disciplinary



Authority as well as order of the Appellate Authority affirming the punishment, were questioned in CWJC No. 3344 of 2018 before this Court.

7. The writ petitioner, Amrendra Kumar Ojha (In Person), while challenging the impugned order has submitted that no opportunity was provided to him. The documents to be relied by the Presenting Officer on behalf of LIC at the time of issuance of Article of Charges have never been served, resultantly, he has been denied in submission of effective reply. Moreover, despite the assurance given by the Disciplinary Authority that the petitioner would be provided necessary documents during enquiry and he would be allowed to cross-examine the witnesses, the same have never been provided.

8. On the other hand, the Enquiry Officer proceeded and proved the charges in a most arbitrary manner. The assistance of Defence Assistant, Binay Kumar Sinha, who was a co-employee as sought for by the petitioner, was also refused in contrary to the circular dated 14.07.1979. It was the specific contention of the writ petitioner that without Defence Assistant, the Enquiry Officer has conducted the enquiry and concluded the same. The Disciplinary Authority to the petitioner was Principal and not the Divisional Manager, nonetheless the entire action has been taken by the Divisional Manager.



9. The contention of the petitioner was vehemently refuted by the respondent authorities of the LIC and submitted that the documents have been duly supplied during the course of enquiry. Moreover, the Defence Assistant could be provided only within the division, where the delinquent was working, whereas Mr. Binay Kumar Sinha was not working within such division, therefore the contention of the petitioner is said to be not tenable. Further the Divisional Manager is superior to the Principal and therefore he was the competent authority to inflict the punishment. There was no infirmity in respect of competent authority to initiate and conclude the Departmental Enquiry.

10. The learned Single Judge, having heard the parties, has come to the conclusion that non-supply of documents is in complete violation of the principles of natural justice and it was the bounden duty of the Disciplinary Authority to provide list of documents in support of the charges. It is also observed that denial of engaging Defence Assistant to present petitioner's case before the Enquiry Officer is in gross violation of the principles of natural justice. Finally the learned Single Judge placing reliance upon various decisions of the Hon'ble Supreme Court that denial of relevant documents in Departmental Enquiry vitiates the enquiry, concluded that the petitioner has not been provided ample opportunity, in complete



violation of natural justice and accordingly set aside the impugned orders of the Disciplinary Authority as well as Appellate Authority dated 07.04.2015 and 14.12.2015, respectively. The respondents are further directed to restore the petitioner's scale of pay and extend difference of pay from time to time, after calculating the same within a period of three months vide order dated 04.07.2025.

11. Mr. Abhimanyu Vatsa, learned Advocate for the appellant submits that the writ petitioner-respondent herein, is in a habit of doing misconduct and violating the provisions of Life Insurance Corporation of India (Staff) Regulation, 1960 by misusing and abusing his position as elected General Secretary of LIC of India Employees Association. The charge memo dated 15.03.2014 was issued for specific offences and the petitioner was given every opportunity to defend his case and after affording every opportunity and conducting proper enquiry, the charges against the writ petitioner were proved and the order of punishment was passed. The writ petitioner was all along assured in response to his letters that he was provided all the documents referred to in the memo of charge and; furthermore when the writ petitioner appeared in the proceeding, the documents referred to in the chargesheet were made available for inspection, but he refused to make any comment on the same



or filed any defence.

12. In so far as the claim of the writ petitioner regarding Defence Assistant is concerned, he was clearly communicated that he can avail the services of any co-employee who is posted at the venue of the enquiry, under the jurisdiction of Divisional Office-1, LIC of India. The name proposed by the writ petitioner was rejected for the reason that he was not posted under Divisional Office-1. The learned Single Judge misinterpreted the 1979 Circular of LIC in holding that any co-employee, regardless of location, could act as a defence assistant, irrespective of the fact the circular clearly vests discretion with the Disciplinary Authority to approve such request. The enquiry and the orders passed by the Disciplinary and Appellate Authority were not vitiated by any procedural irregularity and the findings were supported by evidence, is the contention for learned Advocate for the appellant.

13. It is lastly contended that if, in the opinion of the learned Single Judge, the disciplinary proceeding stood vitiated on account of technical ground of non-compliance of principles of natural justice, then the matter would have been remanded back to the Disciplinary Authority to initiate a fresh proceeding with effect from the stage when the defect has been found. Referring to a Division Bench decision dated 11.08.2025 passed



in Letters Patent Appeal No. 83 of 2020. It is submitted that the learned Division Bench, of which the learned Single Judge was also a part to the decision, has duly observed that on technicality if penalty order is set aside by judicial forum, in the event, the matter is required to be remanded to the Disciplinary Authority to commence a fresh enquiry from the defective stage. However, in the case at hand, despite the learned Single Judge having observed that there is non-compliance of principles of natural justice and thus the impugned orders are vulnerable to challenge, while setting aside the orders directed to restore the petitioner's scale of pay and extend difference of pay from time to time, without remitting the matter back to the Disciplinary Authority to proceed afresh. Reliance has also been placed on a decision rendered by the Constitution Bench of the Hon'ble Apex Court in the case of *Managing Director, ECIL, Hyderabad & Ors. vs. B. Karunakar & Ors., (1993) 4 SCC 727; Chairman-cum-Managing Director, Coal India Limited & Ors. vs. Ananta Saha & Ors., (2011) 5 SCC 142; Chairman, Life Insurance Corporation of India & Ors. vs. A. Masilamani, (2013) 6 SCC 530*; as also a recent decision of the Hon'ble Supreme Court in the case of *National Bal Bhavan & Anr. vs. Khajan Chand & Ors., Civil Appeal No. 4216 of 2026*.

14. *Per contra*, Mr. Amrendra Kumar Ojha (In-



person), dispelling the afore-noted contentions submitted that the Hon'ble Single Judge in his finding has recorded that the documents whereupon charges are based have not been supplied to him, in spite of such demand to rebut the charges levelled against him. Supply thereof was mandatorily required as per disciplinary rules; in absence thereof, the writ petitioner-respondent herein, has been deprived from adequate opportunity of hearing; in such circumstances the order which is under challenge suffers from no infirmity and is absolutely correct and, as such, the appeal is liable to be dismissed. The non-consideration of the request of the writ petitioner to adjourn the enquiry proceeding till the Defence Assistant is provided alongwith the necessary documents could cause serious prejudice to his right and entitlement. The Enquiry Officer as well as Disciplinary Authority proceeded in their own way and inflicted the punishment in a most arbitrary manner and, as such, the learned Single Judge has rightly set aside the orders of punishment as well as appellate order.

15. This Court has extensively heard the learned Advocate for the appellant as well as Mr. Amrendra Kumar Ojha (In Person). Before coming to the merit of the case as to whether the order of punishment as well as the appellate order is sustainable in law, in the opinion of this Court, the seminal



question as posed before this Court is as to whether when the order of the punishment stands set aside on account of technical reason or on account of the violation of the principles of natural justice, the matter ought not to be remanded to the Disciplinary Authority to proceed afresh or not?

16. To answer the above referred question, we recapitulate the facts and the order of the learned Single Judge which clearly manifest that the writ petitioner was subjected to a departmental proceeding, which led to punishment of **“Reduction by two stages in the time scale of pay applicable to his cadre”**. The order of punishment was questioned before the learned Single Judge on the ground of the same being in complete derogation and violation of the principles of natural justice, due to non-supply of the necessary documents based upon which the charges were to be proved as well as the writ petitioner was not provided the Defence Assistant to defend his case in the disciplinary proceeding. The learned Single Judge on being found that the petitioner has not been provided ample opportunity in the proceeding, in violation of the principles of natural justice, accordingly set aside the impugned orders of punishment as well as appellate order, noted hereinabove.

17. Coming to the seminal legal issue, as to whether when the order of punishment stands set aside on account of



technical reason or on account of the violation of the principles of natural justice, the matter ought not to be remanded to Disciplinary Authority to proceed afresh or not, we gainfully refer the decision rendered in the case of **B. Karunakar** (supra).

18. The Hon'ble Constitution Bench in the case of **B. Karunakar** (supra) while answering the question as to what would be the effect on the order of punishment when the report of enquiry officer is not furnished to the employee and what relief should be granted to him in such case, has ruled as follows:-

“30.[v].....The answer to this question has to be relative to the punishment awarded. When the employee is dismissed or removed from service and the inquiry is set aside because the report is not furnished to him, in some cases the non-furnishing of the report may have prejudiced him gravely while in other cases it may have made no difference to the ultimate punishment awarded to him. Hence to direct reinstatement of the employee with back-wages in all cases is to reduce the rules of justice to a mechanical ritual. The theory of reasonable opportunity and the principles of natural justice have been evolved to uphold the rule of law and to assist the individual to vindicate his just rights. They are not incantations to be invoked nor rites to be performed on all and sundry occasions. Whether in fact, prejudice has been caused to the employee or not on account of the denial to him of the report, has to be considered



on the facts and circumstances of each case.

31.The Court/Tribunal should not mechanically set aside the order of punishment on the ground that the report was not furnished as is regrettably being done at present. The courts should avoid resorting to short cuts. Since it is the Courts/Tribunals which will apply their judicial mind to the question and give their reasons for setting aside or not setting aside the order of punishment, (and not any internal appellate or revisional authority), there would be neither a breach of the principles of natural justice nor a denial of the reasonable opportunity. It is only if the Court/Tribunal finds that the furnishing of the report would have made a difference to the result in the case that it should set aside the order of punishment. Where after following the above procedure, the Court/Tribunal sets aside the order of punishment, the proper relief that should be granted is to direct reinstatement of the employee with liberty to the authority/management to proceed with the inquiry, by placing the employee under suspension and continuing the inquiry from the stage of furnishing him with the report. The question whether the employee would be entitled to the back-wages and other benefits from the date of his dismissal to the date of his reinstatement if ultimately ordered, should invariably be left to be decided by the authority concerned according to law, after the culmination of the proceedings and depending on the final outcome. If the employee succeeds in the fresh inquiry and is directed to be reinstated, the authority should be at liberty to decide according to law how it will treat



the period from the date of dismissal till the reinstatement and to what benefits, if any and the extent of the benefits, he will be entitled. The reinstatement made as a result of the setting aside of the inquiry for failure to furnish the report, should be treated as a reinstatement for the purpose of holding the fresh inquiry from the stage of furnishing the report and no more, where such fresh inquiry is held. That will also be the correct position in law.”

19. It would also be apposite to refer the case of ***Union of India vs. Y.S. Sadhu, Ex-Inspector, (2008) 12 SCC 30*** where the Court while examining the issue as to whether when the Departmental Enquiry conducted against respondent was found defective, inasmuch as, witnesses examined earlier were not produced for cross-examination, held that there could not be an automatic reinstatement after setting aside the order of punishment.

20. The Hon’ble Supreme Court answering the question afore-noted following the law laid down in the case of ***B. Karunakar*** (supra) as well as ***Hiran Mayee Bhattacharyya vs. S.M. School for Girls & Ors., (2002) 10 SCC 293*** has ruled that the course adopted in the two cases above is to be followed. There shall not be any reinstatement, but the proceeding shall continue from the stage where it stood before the alleged vulnerability surfaced.



21. Similarly, in the case of *A. Masilamani* (supra), the Court reiterated the aforesaid proposition of law and underscored that it is a settled legal proposition that once the Court sets aside an order of punishment, on the ground that the enquiry was not properly conducted, the Court cannot reinstate the employee. It must remit the case concerned to the Disciplinary Authority for it to conduct the enquiry from the point that it stood vitiated and conclude the same.

22. It would also be worth benefiting to refer a decision rendered by the Hon'ble Supreme Court in the case of *State of Uttar Pradesh vs. Ranjit Singh (2022) 15 SCC 254*, wherein a junior engineer on being aggrieved with the order of punishment passed by a Disciplinary Authority, challenged the same before a Tribunal. The order of punishment was set aside by the Tribunal and the High Court has also refused to interfere with the order passed by the Tribunal. The State has unsuccessfully challenged such orders and also filed review and finally approached the Hon'ble Supreme Court. The Hon'ble Supreme Court while setting aside the order of the Tribunal as well as the High Court, has observed that where it is found that enquiry was not conducted properly and/or same was held to be in violation of principles of natural justice, Court cannot reinstate employee and, as such, matter must be remanded to



Enquiry Officer or the Disciplinary Authority to proceed further with enquiry from stage, when violation of principle was noticed. The Court noted that since in the case at hand, the documents mentioned in the charge-sheet were not supplied to delinquent officer and thus, it is clearly in breach of principles of natural justice and, as such, the matter ought to be remanded to Disciplinary Authority to conduct fresh enquiry after issuance of fresh charge-sheet and furnishing all necessary documents by following the due principles of natural justice.

23. Recently, the Hon'ble Supreme Court has also echoed a similar view in the case of *Khazan Chand* (Supra) where it has revived the disciplinary proceeding from the stage of consideration of enquiry report by the disciplinary authority. Here, the Hon'ble Apex Court, while setting aside of the dismissal order arising from such disciplinary proceeding where the disciplinary authority was repeatedly alleged of bias by the delinquent employee, based on its prior adversarial conduct, held that such a defect in the process, rather than being substantive, is in fact procedural. Recognizing the fact that decision making process need to be insulated from prejudice and charges needed a proper enquiry from an impartial authority, the disciplinary authority, who now is a new person, was directed to consider the report independently; the court directed so without



entering into the merits of the matter.

24. Once from the materials available on record, it is manifest that the impugned order of punishment passed by the Disciplinary Authority has been set aside, on being vitiated due to non-compliance of the principles of natural justice, inasmuch as, the petitioner has not been allowed the copy of necessary documents basing upon which the charges were to be proved, we found it difficult to accept the order of the learned Single Judge to the extent whereby the respondents, appellants herein, were directed to restore the petitioner's scale of pay and extend difference of pay from time to time after calculating the same within a stipulated period. Since the impugned order of the punishment as well as the appellate order have been set aside on account of technical ground and in violation of the principles of natural justice, we also hereby adopt the principle enunciated by the Hon'ble Supreme Court in the above referred cases.

25. Accordingly, we set aside the order under challenge dated 04.07.2025 to the extent whereby while allowing the writ petition, the respondents are directed to restore the petitioners scale of pay and extend difference of pay from time to time. However, as the enquiry is found to be vitiated and held to be in violation of the principles of natural justice, as it appears that the necessary documents mentioned in the charge-



sheet were not supplied to the delinquent officer, this Court hereby remands the matter to the Disciplinary Authority to conduct a fresh enquiry from the stage it stood vitiated, i.e. after the issuance of the charge-sheet and to proceed further with the enquiry after furnishing all the necessary documents and to provide the assistance of Defence Assistant, in terms with the Life Insurance Corporation of India (Staff) Regulation, 1960, after following due principles of natural justice.

26. Since the departmental proceeding against the petitioner was initiated long back, it is expected that the aforesaid exercise shall be completed within a period of six months from today.

27. The present appeal is allowed to the extent aforementioned.

(Harish Kumar, J)

(Sangam Kumar Sahoo, CJ): I agree.

(Sangam Kumar Sahoo, CJ)

supratim/-

AFR/NAFR	NAFR
CAV DATE	15.04.2026
Uploading Date	24.04.2026
Transmission Date	NA

