

(2018) 03 DEL CK 0175

In the Delhi High Court

Case No : W.P.(C) 2849 Of 2018 & CM 11552 Of 2018

P K Singh

APPELLANT

Vs

National Insurance Company Limited & Anr

RESPONDENT

Date of Decision : 23-03-2018

Acts Referred:

Citation : (2018) 03 DEL CK 0175

Hon'ble Judges : SUNIL GAUR

Bench : Single Bench

Advocate : Mr. Nitin K. Gupta, Mr. Rahul Sinha, Mr. Shoumik Mazumdar

Final Decision : Disposed Of

Judgement

1. Consequent upon a departmental inquiry, vide order of 10th November, 2015 (Annexure P-8), penalty of "dismissal from

service" was inflicted upon petitioner, who was working as Assistant at Noida Division in respondent-National Insurance Company Limited

(hereinafter referred to as "the Company?"). Against dismissal order (Annexure P-8), petitioner had filed a statutory appeal (Annexure P-9) on 12th

January, 2016, which has been dismissed vide order (Annexure P-10) in April, 2016. Thereafter, against appellate order, petitioner had submitted a

Memorial (Annexure P-11) on 15th September, 2016 to respondent-Company wherein it has been specifically averred as under: -

"That, being as Assistant, I have no financial power to approve any of the claims. I only have obeyed orders of my senior officers. But under same

case, Mr. K.K. Gupta, the then Divisional manager has been penalized with reduction of 3 increments & Rs.50,000/-, Mr. K.K. Aggarwal, the then

Assistant Manager has been penalized with reduction of 3 increments & Mr.

Sudhir Kumar Gupta, the then Divisional Manager was never questioned & given clean chit, whereas I have been scapegoat & Penalized with
Dismissal from service.

2.The above-said Memorial (Annexure P-11) was partly accepted by respondent-Company vide order (Annexure P-12) on 20th January, 2017 to the effect that punishment inflicted upon petitioner was found to be disproportionate and the penalty of dismissal from service imposed upon petitioner

was altered to reinstatement into services of the company at a minimum basic of Assistant cadre, without any benefits.

3.Although it was sought to be urged by learned counsel for petitioner that the penalty inflicted upon petitioner is not justified on facts, but upon perusal

of material on record, I find that the findings returned against petitioner do not suffer from any apparent illegality or infirmity. However, so far as

proportionality of punishment inflicted upon petitioner is concerned, I find that though impugned order (Annexure P-12) scales

down the penalty from dismissal from service to reinstatement into services of the company at a

minimum basic of Assistant cadre, without any benefits, which is permissible under the National Insurance (Conduct, Discipline and Appeal)

Rules, 2012, but the stand taken by petitioner in the Memorial (Annexure P-11), as noticed hereinabove, has not been dealt with in impugned order,

which calls for reconsideration of impugned order.

4.In the facts and circumstances of this case, this petition is disposed of while calling upon second respondent to reconsider impugned order

(Annexure P-12) in light of the stand taken by petitioner, as referred to above, within a period of six weeks and the fate of reconsideration of

impugned order of 20th January, 2017 (Annexure P-12) be made known to petitioner within two weeks thereafter, so that petitioner may avail of the

remedies as available in law, if need be.

5.With aforesaid directions, this petition and the application are disposed of.