
(2010) 08 AHC CK 0383
In the Allahabad High Court

Ramesh Chandra Garewal

APPELLANT

Vs

Regional Manager Oriental Insurance Company and Others

RESPONDENT

Date of Decision : 11-08-2010

Acts Referred:

High Court Rules, 1952 — Rule 5

Citation : (2010) 08 AHC CK 0383

Hon'ble Judges : Sunil Ambwani, J;Kashi Nath Pandey, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Heard learned Counsel for the appellant. Shri Amresh Sinha appears for the respondents.
2. This special appeal under Chapter VIII Rule 5 of the High Court Rules, 1952 arises out of judgment of learned Single Judge dated 20.3.2007 in Writ Petition No. 18957 of 1999, by which he has refused to interfere with the punishment awarded to the petitioner appellant serving as Development Officer attached to the Divisional Office of Oriental Insurance Company at Moradabad.
3. The facts stated in the judgment are that the appellant issued a motor cover note No. 22477 dated 18.7.1995 insuring bus No. U.P.T-4380 A/C Sri Kesar Lal for comprehensive cover. The cover note mentioned that it was issued at 10.45 A.M for which the demand draft for the premium was issued on the same day.
4. The bus met with an accident on 5.5.2004 on the same day in which it turned turtle and that some passengers suffered serious injuries on the same day at 04.45 PM and one woman and a boy died.
5. In the departmental enquiry, it was found that the inspection of the bus were shown to be made on the same day, whereas the bus was at a distance of 40 kms at that time, and that the demand draft was actually prepared on the next day on 19.7.1995. The security delivery book of the bank demonstrated that the

draft prepared on 19.7.2005 was shown to have been issued a day earlier in the remaining space in the delivery book on 18.7.1995.

6. The report of the enquiry officer was accepted by the Disciplinary Authority and that the petitioner was punished on 6.8.1998 by reducing him in the basic pay to the lowest stage in the time scale and his pay was fixed at Rs. 2850/-.

7. Learned Single Judge has found that Shri V.K. Seth Disciplinary Authority was not inquiry officer. Shri P.N. Srivastava had held the inquiry and submitted the enquiry report in which the charges were found to be proved. The contention of learned Counsel for appellant, that the enquiry officer had illegally expressed his opinion on the subject, was thus not found to be substantiated. On the second question, that the enquiry officer did not examine any witness in support of the charges, denying the appellant an opportunity to cross examine them, learned Single Judge held that the appellant could not demonstrate before him as to how he could improve his case, if he was given such an opportunity nor any prejudice was caused to him during the disciplinary enquiry.

8. The petitioner appellant could not prove before the enquiry authority, that the inspection was made on the same day and that the premium was also paid on the same day when the cover note was issued.

9. We do not find any error of law in the judgment of learned Single Judge that may require interference in the intra-court appeal.

10. The special appeal is dismissed.