

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:30.06.2006

CORAM:

THE HON'BLE MR. JUSTICE P.SATHASIVAM

AND

THE HON'BLE MR. JUSTICE V.DHANAPALAN

WRIT APPEAL NO.760 of 2006

and WAMP.No.1547 of 2006

D.Radhakrishnan

.. Appellant

vs.

1. LIC of India rep. by the
Chairman, Zonal Office
Anna Salai, Chennai 2.

2. The Zonal Manager
LIC of India
Divisional Office
Tanjore.

3. The Senior Divisional Manager
LIC of India
Divisional Office
Tanjore.

... Respondents

Writ Appeal filed under Clause 15 of the Letters of Patent against the order of the Hon'ble Mrs. Justice Prabha Sridevan, dated 15.04.2004 made in WP.No.8325 of 1997.

WP.No.8325/97 presented under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus calling for the records on the file of the respondents 2 and 3 in their proceedings no.SZ/IR/DD dated 15.4.1996 and Ref.P & IR dated 29.10.1996 and Ref.P & IR dated 8.1.1996 respectively and quash the same and direct the respondents to reinstate the petitioner in service with all monetary and service benefits.

For appellant : Mr.R.Singaravelan

JUDGMENT

(Judgement of the Court was delivered by P.SATHASIVAM, J.)

This above writ appeal is directed against the order of the learned single Judge dated 15.04.2004 made in W.P.No.8325 of 1997, in and by which the learned Judge dismissed the writ petition filed by the petitioner/appellant.

2. Heard Mr.R.Singaravelan, learned counsel for the appellant.

3. In view of the limited issue raised, there is no need to refer all the factual details as stated in the affidavit and the memorandum of grounds of appeal. It is not in dispute that when charges were framed against the petitioner/appellant for tampering the School records and producing false certificate, the appellant admitted his guilt for having committed such act and also accepted the charges. No doubt, it is stated that he accepted the charges and pleaded guilty on the hope that some leniency would be shown to him in the matter of punishment. However, on the basis of his admission and considering the gravity of the proved charge, he was removed from service. It is also not in dispute that his appeal against the removal was dismissed; against which he preferred a review, which was not forwarded to the authority concerned.

4. Before the learned single Judge, no argument was advanced regarding the charges or the punishment, however, prayed for permission to submit a memorial before the Chairman, LIC. It is brought to our notice that the memorial should be submitted within six months from the date on which the person receives the copy of the removal order. The learned single Judge taking note of the conduct of the person, who tampered the School records, rejected the said contention. Even before us, the learned counsel for the appellant submitted that direction may be given for presentation of memorial / representation to the concerned authority.

Considering the admitted factual position and in view of the fact that all the relevant facts were considered by the appellate authority and the learned Judge, we do not find any valid ground to consider such request. On the other hand, we are in agreement with the conclusion arrived at by the learned Judge. Hence, the appeal fails and the same is dismissed. No costs. Consequently, connected WAMP., is also dismissed.

kh

Sd/
Asst.Registrar

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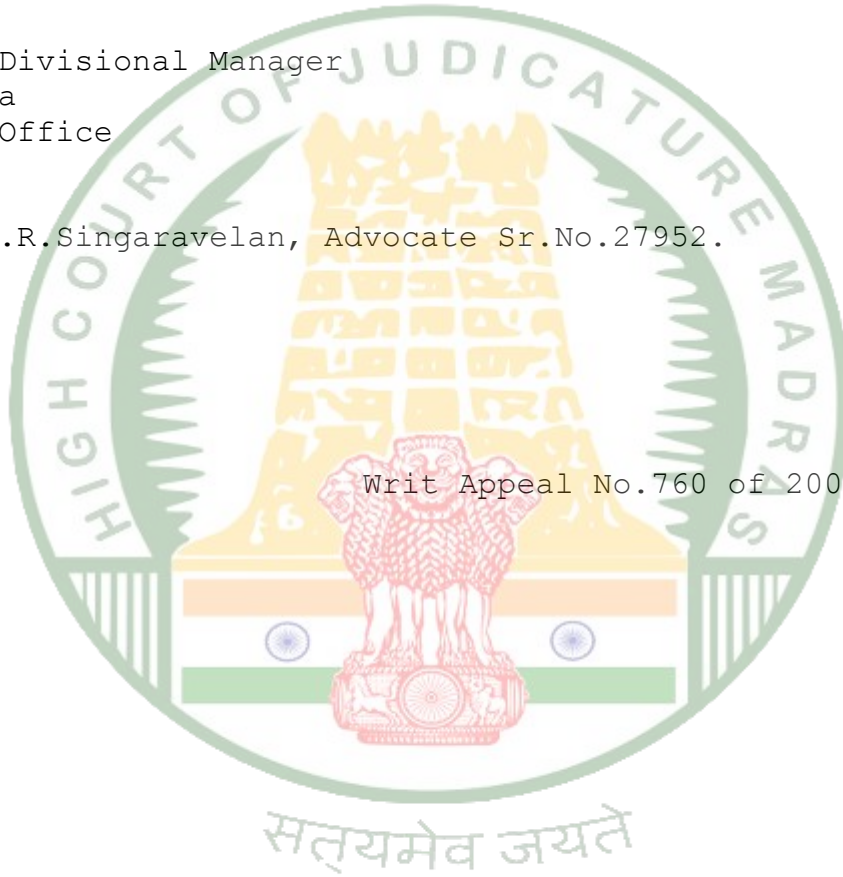
Sub Asst.Registrar

To

1. The Chairman
LIC of India, Zonal Office
Anna Salai, Chennai 2.
2. The Zonal Manager
LIC of India
Divisional Office
Tanjore.
3. The Senior Divisional Manager
LIC of India
Divisional Office
Tanjore.

+ one cc to Mr.R.Singaravelan, Advocate Sr.No.27952.

JRG (CO)
RSM/5.7.2006



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