

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF MAY, 2018

BEFORE

THE HON'BLE MR. JUSTICE A.S. BOPANNA

WRIT PETITION NO.34064/2013 (S-RES)

BETWEEN:

S. PUTTARAJU,
S/O. K.M. SANNAPUTTEGOWDA,
AGED ABOUT 51 YEARS,
R/A NO.1064 (UPSTAIRS),
'VAGDEVIKRUPA', S.J.H. ROAD,
VIDYARANYAPURAM,
MYSORE-570 008

... PETITIONER

(BY SRI M.C. BASAVARAJU, ADV.)

AND:

1. THE ZONAL MANAGER AND
APPELLATE AUTHORITY,
LIC OF INDIA,
SOUTH CENTRAL ZONAL OFFICE,
'JEEVAN BHAGYA'
SAIFA BAD,
HYDRABAD (AP)- 500 063.
2. THE SENIOR DIVISIONAL MANAGER AND
DISCIPLINARY AUTHORITY,
JEEVAN PRAKASH,
LIC OF INDIA,
DIVISIONAL OFFICE,
MYSORE-BANGALORE ROAD,
BANNIMANTAP,
MYSORE - 570 015.
3. THE BRANCH MANAGER
AND PAY DRAWING AUTHORITY,

LIC OF INDIA,
 JEEVAN JYOTHI,
 CITY BRANCH OFFICE-2,
 MYSORE – BANGALORE ROAD,
 BANNIMANTAP,
 MYSORE – 570 015

... RESPONDENTS

(BY SRI KAMALESWARA POOJARY, ADV.)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENT TO CONSIDER THE REPRESENTATIONS DATED 21.12.10, 18.06.2011 AND 22.05.2013 VIDE ANNEXURE-C, D AND E TO THE WRIT PETITION AND PASS APPROPRIATE ORDERS BY RECTIFYING THE MISTAKES COMMITTED BY THE RESPONDENTS REDUCING THE BASIC PAY OF THE PETITIONER AND EFFECTING WAGE CUT OF THE PETITIONER SINCE FROM 2002 ONWARDS AND ALSO COMPUTE LEAVE ACCOUNT CORRECTLY AND ACCURATELY, CONSEQUENTLY TO PAY ALL THE CONSEQUENTIAL BENEFITS TO THE PETITIONER.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioner is before this Court seeking issue of mandamus to direct the respondents to consider the representations as at Annexures-C, D and E and pass appropriate orders rectifying the mistakes committed by the respondents, reducing the basic pay of the petitioner and effecting wage cut of the petitioner from the year

2002. The petitioner is also seeking that the leave account be appropriately computed.

2. The fact that the action had been initiated against the petitioner by issue of charge sheet dated 09.03.2009 is not in dispute. Subsequent thereto, the Disciplinary Authority has imposed the penalty of reduction of basic pay by five stages in terms of Regulation 39(1) (d) of LIC of India (Staff) Regulations, 1960.

3. The petitioner having filed an appeal against such order made by the Disciplinary Authority, the appeal has been rejected and the order of punishment has been confirmed. The petitioner not having challenged the same either in this petition or any other proceedings, a consideration of the correctness or otherwise to that effect does not arise. The petitioner in that background had made the representations as at Annexures-C, D and E seeking rectification of the error said to have been committed by the respondents in fixing the salary of the

petitioner. Since, the same was not considered by the respondents, the petitioner has filed this petition.

4. The respondents have filed their objection statement to the petition. Taking into consideration the nature of the request made in the representations that had been submitted and also the contentions that is put forth in the petition, the respondents have referred in detail to the proceedings that had been initiated against the petitioner and the order that was passed. In that regard, the respondents seek to justify the action in imposing the punishment.

5. Though such contention is put forth, keeping in view the submission of the learned counsel for the petitioner that the petitioner is essentially aggrieved by the fixation, on implementation of the punishment and also the petitioner being aggrieved that the benefit of the revision of wages subsequently made has not been provided to the petitioner, had made the representations. The representations regarding which a consideration is sought in this petition would however indicate that there

is no clarity in the same, inasmuch as the petitioner though having referred to the earlier proceedings and the order having attained finality, has once again referred to the entire details relating to the enquiry held and the action taken by the petitioner.

6. As noticed, the contention put forth on behalf of the petitioner is that, the petitioner is making out a grievance with regard to the manner of implementation of the punishment and non-grant of benefits due to revision of wages. If that be the position, the consideration of the very representations as submitted by the petitioner would not arise. The appropriate course would be to permit the petitioner to make an appropriate fresh representation indicating the error committed by the respondents in the manner of fixation of the salary, on implementing the order of punishment to reduce the basic pay by five stages and in that regard, if any error is committed, the respondents shall take steps to rectify the same. On such rectification, if any further consideration is required with regard to revision of wages

that is made and if the benefit is not granted to the petitioner, a consideration in that regard may also be sought in such fresh representation to be made by the petitioner. If such representation is made by the petitioner, the respondents shall take note of the same and pass appropriate orders in accordance with law in an expeditious manner but, not later than three months from the date on which such representation is submitted.

The petition is accordingly ***disposed*** of.

**Sd/-
JUDGE**

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