

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____/2025
[ARISING OUT OF SPECIAL LEAVE PETITION (CIVIL) No.9940/2020]

NATIONAL INSURANCE COMPANY LTD.

APPELLANT(S)

VERSUS

M. ANURADHA

RESPONDENT(S)

O R D E R

1. Leave granted.
2. Heard learned senior counsel appearing for the parties.
3. The respondent was an employee of the appellant. After completing 21 years of service from the year 1981, the real issue started from the year 2002 when she applied on 15th May, 2002 for grant of leave to travel to USA along with her husband. Thereafter, leave for different reasons was granted to her by the appellant till 3rd June, 2003. An application made on 2nd June, 2003 for granting extension of leave by six months on medical grounds on

“loss of pay” basis was earlier rejected by the appellant. Thereafter, the request was granted for the period from 4th June, 2003 to 2nd September, 2003. Another extension was sought in September, 2003, which was granted by the appellant till 2nd December, 2003. On the basis of a Voluntary Retirement Scheme of the appellant, on 19th January, 2004, the respondent applied for voluntary retirement. Though it is claimed by the appellant that the said application was rejected, nothing is placed on record to show that the order of rejection was communicated to the respondent. The disciplinary proceedings were commenced against the respondent on the basis of a Show Cause Notice dated 26th February, 2004. Article of charge was served upon the respondent on 14th June, 2004.

4. Penalty of compulsory retirement was imposed on the respondent. The learned Single Judge, on a writ petition filed by the respondent, has set aside the penalty and directed reinstatement of respondent with back wages to the extent of 50%.

5. An appeal was carried by the appellant to a Division Bench. By the impugned judgment dated 9th September, 2019, while confirming the judgment of the learned Single Judge, on a concession made by the respondent, the order of back

wages was modified by granting 25% of the back wages.

6. After having heard learned senior counsel appearing for the appellant, we find that there is no case for interference as far as order of the learned Single Judge setting aside the penalty is concerned. The allegation in the charge-sheet was as regards unauthorized absence from 3rd December, 2003. On 19th January, 2004, the respondent applied for voluntary retirement. As stated earlier, a copy of order rejecting the application was never provided to the respondent.

7. However, we find that no case was made out to grant back wages for the period for which admittedly the respondent had not worked.

8. Therefore, the impugned orders are modified only to the extent that the orders directing payment of back wages to the respondent are hereby quashed and set aside. Rest of the directions contained in the impugned order of the learned Single Judge are confirmed.

9. The appeal is partly allowed on above terms.

10. We grant time of three months to the appellant to make compliance with that part of the order of the learned Single Judge which is confirmed under this order.

11. Pending application(s), if any, shall stand disposed of.

.....J.
(ABHAY S.OKA)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
FEBRUARY 11, 2025.

ITEM NO.4

COURT NO.4

SECTION XII-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No.9940/2020

[Arising out of impugned final judgment and order dated 09-09-2019 in WA No. 1384/2018 passed by the High Court for The State of Telangana at Hyderabad]

NATIONAL INSURANCE COMPANY LTD.

Petitioner(s)

VERSUS

M. ANURADHA

Respondent(s)

Date : 11-02-2025 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) :Mr. P.S. Patwalia, Sr. Adv.
Mr. Vivek Kishore, AOR
Mr. Zorawar Singh, Adv.
Mr. Jayaant Rastogi, Adv.
Ms. Peehu Singh, Adv.

For Respondent(s) :Mr. K Parameshwar, Sr. Adv.
Ms. Aakashi Lodha, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is partly allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)

[Signed order is placed on the file]