

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.934 of 2004
IN
Civil Writ Jurisdiction Case No. 845 of 1998

- =====
1. Life Insurance Corporation of India having its Central Office at ‘Yogakshema’, Jeewan Beema Marg, Post Box No. 19953, Mumbai – 400 021 through Senior Divisional Manager, Bhagalpur, its constituted attorney.
 2. Senior Divisional Manager, Life Insurance Corporation of India, Divisional Office, Sakhichand Ghat Road, Naya Bazar, Bhagalpur.

----Petitioners ----- Appellants

Versus

1. Union of India through Secretary, Ministry of Labour and Employment, Government of India, New Delhi.
2. Regional Labour Commissioner (Central), Maurya Lok, New Dakbunglow Road, P.S. – Kotwali, Town and District – Patna.
3. Assistant Labour Commissioner (Central), Maurya Lok, New Dakbunglow Road, P.S. – Kotwali, Town and District – Patna.
4. Sri M.K. Sharma, son of not known, resident of Moh: Konark Road, Shastrinagar, District and Town – Munger.

----- Respondents-----Respondents

With

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Letters Patent Appeal No. 935 of 2004
IN
Civil Writ Jurisdiction Case No. 553 of 1998

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1. Life Insurance Corporation of India having its Central Office at ‘Yogakshema’, Jeewan Beema Marg, Post Box No. 19953, Mumbai – 400 021 through Senior Divisional Manager, Bhagalpur, its constituted attorney.
 2. Senior Divisional Manager, Life Insurance Corporation of India, Divisional Office, Sakhichand Road, Naya Bazar, P.S. – Kotwali and District - Bhagalpur.

----Petitioners ----- Appellants

Versus

1. Union of India through Secretary, Ministry of Labour and Employment, Government of India, New Delhi.
2. Regional Labour Commissioner (Central), Maurya Lok, New Dakbunglow Road, P.S. – Kotwali, Town and District – Patna.
3. Assistant Labour Commissioner (Central), Maurya Lok, New Dakbunglow Road, P.S. – Kotwali, Town and District – Patna.
4. Sri Prakash, resident of Mohalla – Lal Darbaza, Near Nala, P.S. – Lal Darbaza, District– Munger.

----- Respondents-----Respondents

With

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Letters Patent Appeal No. 936 of 2004

IN
Civil Writ Jurisdiction Case No. 1511 of 1998

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1. Life Insurance Corporation of India having its Central Office at 'Yogakshema', Jeewan Beema Marg, Post Box No. 19953, Mumbai – 400 021 through Senior Divisional Manager, Bhagalpur, its constituted attorney.
 2. Senior Divisional Manager, Life Insurance Corporation of India, Divisional Office, Sakhichand Ghat Road, Naya Bazar, P.S. – Kotwali, Town & District - Bhagalpur.

----Petitioners ----- Appellants

Versus

1. Union of India through Secretary, Ministry of Labour and Employment, Government of India, New Delhi.
2. Regional Labour Commissioner (Central), Maurya Lok, New Dakbunglow Road, P.S. – Kotwali, Town and District – Patna.
3. Assistant Labour Commissioner (Central), Maurya Lok, New Dakbunglow Road, P.S. – Kotwali, Town and District – Patna.
4. Surendra Kumar, son of not known, C/o – Sri Natho Sah, resident of village – Mogal Bazar (Near Thakurbari), P.O. – Basudevpur, Town – Munger.

----- Respondents-----Respondents

With

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Letters Patent Appeal No. 939 of 2004
IN
Civil Writ Jurisdiction Case No. 12198 of 1999

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- 1 Life Insurance Corporation of India having its Central Office at 'Yogakshema', Jeewan Beema Marg, Post Box No. 19953, Mumbai – 400 021 through Senior Divisional Manager, Bhagalpur, its constituted attorney.
- 2 Senior Divisional Manager, Life Insurance Corporation of India, Divisional Office, Sakhichand Ghat Road, Naya Bazar, Bhagalpur.

----Petitioners ----- Appellants

Versus

- 1 Union of India through Secretary, Ministry of Labour and Employment, Government of India, New Delhi.
- 2 Regional Labour Commissioner (Central), Maurya Lok, New Dakbunglow Road, P.S. – Kotwali, Town and District – Patna.
- 3 The Presiding Officer, Central Government, Industrial Tribunal, Labour Court, Bailey Road, Patna – 800 001.
- 4 Rajeev Ranjan Arya, son of Sri Murlidhar, resident of village – Nath Nagar, P.O. – Ratanganj, District – Bhagalpur.

----- Respondents-----Respondents

With

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Letters Patent Appeal No. 941 of 2004
IN

Civil Writ Jurisdiction Case No. 849 of 1998

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1. Life Insurance Corporation of India having its Central Office at 'Yogakshema', Jeewan Beema Marg, Post Box No. 19953, Mumbai – 400 021 through Senior Divisional Manager, Bhagalpur, its constituted attorney.
 2. Senior Divisional Manager, Life Insurance Corporation of India, Divisional Office, Sakhichand Road, Naya Bazar, P.S. – Kotwali, Town & District - Bhagalpur.

-----Petitioners ----- Appellants

Versus

- 1 Union of India through Secretary, Ministry of Labour and Employment, Government of India, New Delhi.
- 2 Regional Labour Commissioner (Central), Maurya Lok, New Dakbunglow Road, P.S. – Kotwali, Town and District – Patna.
- 3 Assistant Labour Commissioner (Central), Maurya Lok, New Dakbunglow Road, P.S. – Kotwali, Town and District – Patna.
- 4 Mrs. Dipali Pandey, C/o Sri C.R. Pandey, Quarter No. 548, AB, Daulatpur Colony, Jamalpur, Munger.

----- Respondents-----Respondents

With

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Letters Patent Appeal No. 942 of 2004

IN

Civil Writ Jurisdiction Case No. 625 of 1998

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1. Life Insurance Corporation of India having its Central Office at 'Yogakshema', Jeewan Beema Marg, Post Box No. 19953, Mumbai – 400 021 through Senior Divisional Manager, Bhagalpur, its constituted attorney.
 2. Senior Divisional Manager, Life Insurance Corporation of India, Divisional Office, Sakhichand Ghat Road, Naya Bazar, Bhagalpur.

-----Petitioners ----- Appellants

Versus

1. Union of India through Secretary, Ministry of Labour and Employment, Government of India, New Delhi.
2. Regional Labour Commissioner (Central), Maurya Lok, New Dakbunglow Road, P.S. – Kotwali, Town and District – Patna.
3. Assistant Labour Commissioner (Central), Maurya Lok, New Dakbunglow Road, P.S. – Kotwali, Town and District – Patna.
4. Dinesh Kumar, son of Shri Brahmdeo Prasad, resident of Moh: Bekapur, PS/Town & District - Munger.

----- Respondents-----Respondents

With

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Letters Patent Appeal No. 944 of 2004

IN

Civil Writ Jurisdiction Case No. 1509 of 1998

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1. Life Insurance Corporation of India having its Central Office at 'Yogakshema', Jeewan Beema Marg, Post Box No. 19953, Mumbai – 400 021 through Senior Divisional Manager, Bhagalpur, its constituted attorney.
 2. Senior Divisional Manager, Life Insurance Corporation of India, Divisional Office, Sakhichand Ghat Road, Naya Bazar, P.S. – Kotwali, Town & District - Bhagalpur.

----Petitioners ----- Appellants

Versus

1. Union of India through Secretary, Ministry of Labour and Employment, Government of India, New Delhi.
2. Regional Labour Commissioner (Central), Maurya Lok, New Dakbunglow Road, P.S. – Kotwali, Town and District – Patna.
3. Assistant Labour Commissioner (Central), Maurya Lok, New Dakbunglow Road, P.S. – Kotwali, Town and District – Patna.
4. Nandlal Pandit, son of not known, resident of Mohalla – Puraniganj (Kumhar Toli), P.S. – Kotwali, District and Town – Munger.

----- Respondents-----Respondents

With

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Letters Patent Appeal No. 946 of 2004
IN
Civil Writ Jurisdiction Case No. 12104 of 1999

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1. Life Insurance Corporation of India having its Central Office at 'Yogakshema', Jeewan Beema Marg, Post Box No. 19953, Mumbai – 400 021 through the Divisional Manager, Bhagalpur, its constituted attorney.
2. The Divisional Manager, Life Insurance Corporation of India, Divisional Office, Sakhichand Ghat, Naya Bazar, P.S. Kotwali, Town & District - Bhagalpur.

----Petitioners ----- Appellants

Versus

1. The Union of India through Secretary, Ministry of Labour and Employment, Government of India, New Delhi.
2. Regional Labour Commissioner (Central), Maurya Lok, New Dakbunglow Road, P.S. – Kotwali, Town and District – Patna.
3. The Presiding Officer, Central Government, Industrial Tribunal, Bailey Road, Patna – 800 001.
4. Ajay Kumar Vishwakarma, C/o – Sri Brahmdeo Vishwakarma, Eastern Railway Colony, Block No. 122/J, Bhagalpur.

----- Respondents-----Respondents

With

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Letters Patent Appeal No. 947 of 2004
IN
Civil Writ Jurisdiction Case No. 12097 of 1999

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1. Life Insurance Corporation of India having its Central Office at 'Yogakshema', Jeewan Beema Marg, Post Box No. 9953, Mumbai – 400 021 through the

Divisional Manager, Bhagalpur, its constituted attorney.

2. The Divisional Manager, Life Insurance Corporation of India, Divisional Office, Sakhichand Ghat, Naya Bazar, P.S. – Kotwali, Town & District - Bhagalpur.
-----Petitioners ----- Appellants.

Versus

1. The Union of India through Secretary, Ministry of Labour and Employment, Government of India, New Delhi.
2. Regional Labour Commissioner (Central), Maurya Lok, New Dakbunglow Road, P.S. – Kotwali, Town and District – Patna.
3. The Presiding Officer, Central Government, Industrial Tribunal, Labour Court, Bailey Road, Patna – 800 001.
4. Mannu Sah, son of Sri Laxman Sah, Village & P.O. Purani Durga Asthan, Sultanganj, Bhagalpur – 813 213.

----- Respondents-----Respondents

With

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Letters Patent Appeal No. 948 of 2004
IN
Civil Writ Jurisdiction Case No. 554 of 1998

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1. Life Insurance Corporation of India having its Central Office at ‘Yogakshema’, Jeewan Beema Marg, Post Box No. 19953, Mumbai – 400 021 through the Senior Divisional Manager, Bhagalpur, its constituted attorney.
2. Senior Divisional Manager, Life Insurance Corporation of India, Divisional Office, Sakhichand Ghat Road, Naya Bazar, Bhagalpur.

-----Petitioners ----- Appellants

Versus

1. The Union of India through Secretary, Ministry of Labour and Employment, Government of India, New Delhi.
2. Regional Labour Commissioner (Central), Maurya Lok Complex, A-Block, 2nd Floor, P.S. – Kotwali, Town and District – Patna.
3. Assistant Labour Commissioner (Central), Maurya Lok Complex, A-Block, 2nd Floor, P.S. – Kotwali, District and Town – Patna.
4. Surendra Das, resident of Mohalla – Digambar Sarkar Lane, Jogsar, P.S. – Jogsar, Town & District – Bhagalpur – 812 001.

----- Respondents-----Respondents

With

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Letters Patent Appeal No. 949 of 2004
IN
Civil Writ Jurisdiction Case No. 876 of 1998

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1. Life Insurance Corporation of India having its Central Office at 'Yogakshema', Jeewan Beema Marg, Post Box No. 19953, Mumbai – 400 021 through the Senior Divisional Manager, Bhagalpur, its constituted attorney.
2. Senior Divisional Manager, Life Insurance Corporation of India, Divisional Office, Sakhichand Ghat, Naya Bazar, P.S. Kotwali, Town & District - Bhagalpur.

----Petitioners ----- Appellants

Versus

1. The Union of India through Secretary, Ministry of Labour and Employment, Government of India, New Delhi.
2. Regional Labour Commissioner (Central), Maurya Lok, New Dakbunglow Road, P.S. – Kotwali, Town and District – Patna.
3. Assistant Labour Commissioner (Central), Maurya Lok, New Dakbunglow Road, P.S. – Kotwali, Town and District – Patna.
4. Subhash Chandra Singh, son of not known, resident of village – Banshipur (Rungram), P.O. Tarapur, District – Munger.

----- Respondents-----Respondents

With

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Letters Patent Appeal No. 950 of 2004
IN
Civil Writ Jurisdiction Case No. 2753 of 1998

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1. Life Insurance Corporation of India having its Central Office at 'Yogakshema', Jeewan Beema Marg, Post Box No. 19953, Mumbai – 400 021 through the Senior Divisional Manager, Bhagalpur, its constituted attorney.
2. Senior Divisional Manager, Life Insurance Corporation of India, Divisional Office, Sakhichand Ghat, Naya Bazar, P.S. Kotwali, Town & District - Bhagalpur.

----Petitioners ----- Appellants

Versus

1. The Union of India through Secretary, Ministry of Labour and Employment, Government of India, New Delhi.
2. Regional Labour Commissioner (Central), Maurya Lok, New Dakbunglow Road, P.S. – Kotwali, Town and District – Patna.
3. Assistant Labour Commissioner (Central), Maurya Lok, New Dakbunglow Road, P.S. – Kotwali, Town and District – Patna.
4. Mr. Jayant Kumar Sinha, son of not known, Uday Ashram, R.B.S.S. Road, Mundichowk, Naya Tola, Bhagalpur.

----- Respondents-----Respondents

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Appearance :

For the Appellants :	Mr. Umesh Prasad Singh, Senior Advocate Mr. Rajeev Ranjan Prasad, Advocate
For the respondents :	Mr. Abdul Mannan Khan, Advocate Mr. Binay Kumar Bineet, Advocate

Mr. Najmul Hoda, Advocate

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 08-04-2015

Heard learned counsel for the appellants and learned counsel for the respondents.

2. All these appeals arise out of analogous writ petitions filed by the Life Insurance Corporation of India (hereinafter referred to as 'LIC') challenging the jurisdiction of the Labour Commissioner calling them for conciliation meetings in aspect of some of their alleged employees. We are continuously using the expression 'alleged' because the LIC does not accept them as employees.

3. The main ground of challenge before the learned Single Judge as before us is that the regulations made by the LIC would apply, if not superseded, to the provisions of the Industrial Disputes Act, by virtue of Section 48(2)(C) of the Life Insurance Corporation Act (hereinafter referred to as 'Act') 1956. The learned Single Judge did not accept this contention and rightly so. The reason being simple that Section 48 of the said Act empowers the Central Government to frame Rules to carry out the purposes of the Act by Notification in the Official Gazette. Sub-section (2)



of Section 48 of the Act enumerates the various purposes for which the Central Government by Notification can frame Rules. It needs no discussion that this overriding provision is available to the Rules made and gazetted by the Central Government. This would not extend to Rules or Regulations made independently by Life Insurance Corporation, even though, the regulation may be with the previous approval of the Central Government.

4. We may also refer to Section 48(3) of the said Act, which has parliamentary control of delegated legislation as made by the Central Government. The Rules or Regulations made by LIC are not to be placed before the Parliament. The whole iota and scheme is that the Rules notified by the Central Government may override the Industrial Disputes Act and those Rules would be controlled by Parliament. The Rules and Regulations made by LIC does not enjoy the same status.

5. That being so, it cannot be urged that the proceedings taken out by the Labour Commissioner was wholly without jurisdiction. Thus, we find no merit in the appeals, they are, accordingly, dismissed.

(Navaniti Prasad Singh, J.)

(Jitendra Mohan Sharma, J.)

Rajeev/NAFR

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