

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.951 of 2004

IN

Civil Writ Jurisdiction Case No. 1510 of 1998

- =====
1. Life Insurance Corporation of India having its Central Office at 'Yogakshema', Jeevan Beema Marg, Post Box No. 19953, Mumbai-400021 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

..... 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 & District- Patna
3. Assistant Labour Commissioner (Central), Maurya Lok New Dakbunglow Road, P.S.- Kotwali, Town & District- Patna
4. Ratan Kumar Thakur son of Sri Adhik Lal Thakur, R/o Bhagwatipur, P.O. & P.S.- Bihpur, District- Bhagalpur

..... Respondents

with

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Letters Patent Appeal No. 953 of 2004

IN

Civil Writ Jurisdiction Case No. 1475 of 1998

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1. Life Insurance Corporation of India having its Central Office at 'Yogakshema', Jeevan Beema Marg, Post Box No. 19953, Mumbai-400021 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

..... 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 & District- Patna
3. Assistant Labour Commissioner (Central), Maurya Lok New Dakbunglow Road, P.S.- Kotwali, Town & District- Patna
4. Satyendra Narayan son of not known, village & P.O.- Safaiyabad, District- Munger

..... Respondents

with

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Letters Patent Appeal No. 945 of 2004

IN

Civil Writ Jurisdiction Case No. 877 of 1998

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- Appellants

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 & District- Patna
3. Assistant Labour Commissioner (Central), Maurya Lok New Dakbunglow Road, P.S.- Kotwali, Town & District- Patna
4. Surendra Paswan son of not known, R/o Mohalla- Chhoti Kesopur, P.O.- Jamalpur, District- Munger

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- Appellants

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 & District- Patna
3. Assistant Labour Commissioner (Central), Maurya Lok New Dakbunglow Road, P.S.- Kotwali, Town & District- Patna
4. Ram Narayan C/o Sri Madneshwar Rai, Telephone Exchange, R.R. Sinha Road, Bhagalpur

..... Respondents

(In LPA No. 951 of 2004) (In LPA No. 953 of 2004) (In LPA No. 945 of 2004)
(In LPA No. 962 of 2004)

For the Respondent/s :

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and
HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL JUDGMENT
(Per: **HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH**)
Date: 13-04-2015

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 supersede 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 idea 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 do 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 these appeals, they are, accordingly, dismissed.

(Navaniti Prasad Singh, J)

(Jitendra Mohan Sharma, J)

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