

CWP No.12516 of 2012

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.12516 of 2012
Date of decision: 08.10.2015

Purshotam Lal Vatta

....Petitioners

Versus

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?
- 2) To be referred to the Reporters or not ?
- 3) Whether the judgment should be reported in the Digest ?

Present: - Mr. Jagdish Manchanda, Advocate, for the petitioner.
Mr. Prateek Mahajan, Advocate, for respondents No.2 to 4.

PARAMJEET SINGH, J. (ORAL)

The instant petition has been filed under Articles 226/227 of the Constitution of India for quashing the order dated 10.01.2000 (Annexure P-4) passed by respondent No. 4 – Senior Divisional Manager, Life Insurance Corporation of India and order dated 04.12.2008 (Annexure P-7) passed by respondent No. 3 – Zonal Manager, Life Insurance Corporation of India and order dated 14.09.2011 (Annexure P-9) passed by respondent No. 2 – Chairman Agency Section Marketing Department of Life Insurance Corporation.

Brief facts of the case are that petitioner was allotted an

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agency by the respondents with a code No. 2526164 from 14.07.1969 to 23.11.1998. However , on 20.12.1997 respondent No. 4 Senior Divisional Manager, LIC Divisional Office, Karnal, issued a letter that in policy No. 170341160, the date of birth of the policyholder was shown as 15.04.1966, but actually the date of birth was found to be 27.08.1954. Similarly, in policy No. 170179973, the age was shown on the basis of extract from school record form No. 3894 showing the date of birth as 25.04.1963 but actual date of birth of the policyholder was found to be 10.10.1950, meaning thereby that petitioner acted in a manner detrimental to the interest of the respondents. In pursuance of the notice issued to the petitioner, he filed reply to the same on 23.05.1998 (Annexure P-2). After considering the reply submitted by the petitioner, impugned order dated 10.01.2000 (Annexure P-4) was passed. Thereafter petitioner preferred an appeal, that too was dismissed. Against that order, petitioner came to this Court in Civil Writ Petition No.4171 of 2009. This Court granted liberty to the petitioner to file revision. Thereafter, petitioner preferred revision . The revisional authority vide impugned order dated 14.09.2011 modified the order dated 10.01.2000 passed by the Senior Divisional Manager, Karnal, and confirmed by the Zonal Manager by order dated 04.12.2008 to the extent that termination of agency of the petitioner shall be without forfeiture of renewal commission and accordingly disposed of the revision petition. Hence, this writ petition.

In pursuance of the notice of motion, respondents No.2 to 4

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appeared and filed written statement. The stand of the respondents in the written statement is that petitioner has given wrong dates of birth of the policyholders. Initially the agency of the petitioner was suspended vide Communication dated 23.11.1998 (Annexure P-3) and he was directed not to solicit or procure any new business till further orders. Thereafter, show-cause notice dated 12.11.1990 was served upon the petitioner to which petitioner filed reply dated 27.11.1999 (Annexure R-3). The disciplinary authority according to Rule 16 (1)(a)(b)(d) of the LIC of India Agents Rules, 1972 terminated the agency of the petitioner and found petitioner unfit to be retained as an agent on the books of the Corporation. The agency of the petitioner has been terminated after affording opportunity of hearing and in accordance with the Rules.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the petitioner vehemently contended that petitioner has served the respondents for about 30 years. The agency has been terminated because of certain discrepancies in dates of births of the insurance policyholders. In fact, no loss has been caused to the respondents as the petitioner has settled the issues.

Learned counsel for respondents No. 2 to 4 contended that petitioner has acted in a detrimental manner and against the interests of the Corporation. Wrong dates of birth of policyholders have been mentioned in policy numbers 170341160 and 170179973. The petitioner was served

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with a chargesheet-cum-show-cause notice and was afforded opportunity to defend. The agency of the petitioner has been terminated in accordance with law.

I have given anxious thoughtful consideration and perused the contentions of the parties.

The only grievance of the petitioner is that he has already worked as agent and has earned commission on the policies which will continue in future. The petitioner is entitled to commission on the policies which are not in dispute. This issue has already been decided by the Revisional Authority as the agency has been terminated without forfeiture of commission and interest. The impugned orders have been passed by the authorities after affording adequate opportunity of hearing to the petitioner and findings of fact have been recorded on the basis of material brought before them. In the light of these facts, I am of the view that this Court cannot interfere in the impugned orders passed by the respondent authorities as adequate opportunity of hearing has been provided to the petitioner. The impugned orders have been passed following the principles of natural justice. So far as the relief of payment of commission allegedly accrued is concerned, same can be got settled in a civil suit. This court cannot go into details as to how many policies the petitioners was able to procure for LIC and how many were renewed and are continuing on which commission will continue to accrue to the petitioner against respondents. This can only be settled in appropriate proceedings by leading evidence.

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The impugned orders are upheld.

At this stage, learned counsel for the petitioner made a request that he wants to withdraw the present petition and seeks liberty to approach the civil court.

The prayer is allowed. The writ petition is dismissed as withdrawn with aforesaid liberty. However it will also be open to the petitioner to raise all the pleas with regard to the commission, renewal commission and interest which may accrue on already procured policies by the petitioner, if any, in accordance with law.

October 08, 2015
Kanchan

(Paramjeet Singh)
Judge