



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2016

CORAM :

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THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO  
and  
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Writ Appeal (MD) No.1082 of 2016  
& C.M.P(MD)No.6530 of 2016

1. The Chairman,  
Life Insurance Corporation of India,  
Central Office "Yogakshema",  
Mumbai - 400 021.
  2. The Executive Director (M-B & AC),  
Life Insurance Corporation of India,  
Marketing Bancassurance @ Alt. Ch. Dept.,  
Central Office "Yogakshema" (West Wing),  
J.B. Marg,  
Mumbai - 400 021.
  3. The Zonal Manager,  
Life Insurance Corporation of India,  
Southern Zonal Office,  
Old No.102, New No.153, LIC Building,  
Anna Salai, Mount Road,  
Chennai - 600 002.
  4. The Senior Divisional Manager,  
Life Insurance Corporation of India,  
Divisional Office,  
"Jeevan Prakash"  
Bridge Station Road, Sellur,  
Madurai - 625 002.
- ... Appellant/Respondents

-Vs-

P.S.Nagarajan . ... Respondent/Petitioner

Appeal filed under Clause 15 of Letters Patent praying to set aside the order in W.M.P.(MD) No.1385 of 2016 in W.P.(MD)No.1622 of 2016 dated 27.01.2016 before this Hon'ble High Court.

For Appellant

: Mr.G.R.Swaminathan  
for M/s.G.Prabhu Rajadurai



Prayer in WMP(MD). 1385/ 2016 :

To grant ad interim stay staying the operation of the order passed by the 4th respondent in Ref: B&AC/dated 28.4.2015 and all other proceedings based on that pending disposal of WP.

Prayer in WP(MD). 1622/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 4th respondent in connection with the order passed by him in Ref: B&AC/dated 28.4.15 and quash the same and direct the respondents to continue the petitioner in the post in which he was appointed or on any other post to which he is eligible with all monetary and service benefits.

### JUDGMENT

**(Judgment of the Court was delivered  
by NOOTY.RAMAMOHANA RAO, J.)**

This Writ Appeal is preferred by the Life Insurance Corporation of India / respondents in W.P.(MD) No.1622 of 2016. The appeal is directed against an interlocutory order passed on 27<sup>th</sup> January, 2016, entertaining the said Writ Petition, restraining the respondents from terminating the service of the petitioner. It is that order which is under challenge in the Writ Appeal.

2.After generating certain amount of debate at the bar, it is pointed that the vacate stay petition bearing W.M.P.(MD) No.5245 of 2016 has been moved and that it is already pending consideration of the learned Single Judge. In that view of the matter, we have considered it not appropriate to consider this matter on merits, for, any expression of opinion by us would virtually preempt the learned Single Judge from dealing and deciding the said W.M.P.(MD)No.5245 of 2016. However, the learned counsel for the appellants would urge that let there be a direction to the Registry to list the W.M.P.(MD)No.5245 of 2016 immediately before the learned Single Judge so that the Corporation can press the said vacate stay petition. In these set of circumstances, we dismiss the Writ Appeal preserving the liberty to the appellant to keep all the contentions urged in this writ appeal open so that it can press the vacate stay petition moved by it in W.M.P.(MD) No.5245 of 2016 before the learned Single Judge. No costs. Consequently, the connected miscellaneous



3. Registry is directed to list the vacate stay petition bearing W.M.P.(MD)No.5245 of 2016 before the learned Single Judge having the roster on 12<sup>th</sup> July 2016.

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Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS)

To

1. The Chairman,  
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"Jeevan Prakash"  
Bridge Station Road, Sellur,  
Madurai - 625 002.

Copy to:

The Section Officer, Writ Section,  
Madurai Bench of Madras High Court, Madurai.

srm

JM/SK-SKN/SAR-II/11.07.2016/3P-6C