



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the First day of July Two Thousand Sixteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice NOOTY. RAMAMOHANA RAO
and
The Hon`ble Mr.Justice S.S.SUNDAR

WA(MD) No.1083 of 2016
and CMP(MD)No.6531 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, O.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.

..APPELLANTS/RESPONDENTS

Vs.

J.VIJAYANATHAN

..RESPONDENT/PETITIONER

Appeal filed under Clause 15 of Letters Patent praying to set aside the order in WMP(MD)No.1576 of 2016 in WP(MD)No.1829 of 2016 dated 28.01.2016 before this Hon'ble High Court.

Prayer in WMP(MD). 1576/ 2016 :

To grant an ad interim stay staying the operation of order passed by the 4th respondent in Ref.B & AC/dated 31.03.15 and all other proceedings based on that pending disposal of this Writ Petition.

Prayer in WP(MD). 1829/ 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 31.03.15 and quash the same and direct the respondents to continue the petitioner in the post in which he was appointed or in any other post to which he is eligible with all monetary and service benefits.

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

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 WP(MD)No.1829 of 2016. The appeal is directed against an interlocutory order passed on 28th 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 WMP(MD)No.5247 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 WMP(DM) No.5247 of 2016. However, the learned counsel for the appellants would urge that let there be an direction to the Registry to list the WMP(MD)No.5247 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 WMP(MD)No.5247 of 2016 before the learned Single Judge. No costs. Consequently, the connected miscellaneous petition is closed.

3. Registry is directed to list the vacate stay petition bearing WMP(MD)No.5247 of 2016 before the learned Single Judge having the roster on 12th July 2016.

Sd/-
Assistant Registrar(CS-I)

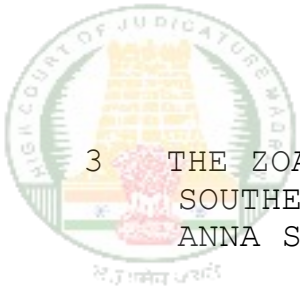
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Sub Assistant Registrar(CS)

TO

1 THE CHAIRMAN, LIFE INSURANCE CORPORATION OF INDIA,
CENTRAL OFFICE "YOGAKSHEMA", MUMBAI-400 021.

2 THE EXECUTIVE DIRECTOR (M-B & AC),
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SELLUR, MADURAI 625 002.

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

WA(MD) No.1083 of 2016
Date :01/07/2016

srm

PBK/SK-SKN/SAR-III 11/07/2016 ::3P-6C::