

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WP No.10257 of 2016

Oral Order :

This writ petition is filed under Article 226 of the Constitution of India for the following relief :

“ This Hon’ble Court may be pleased to issue an appropriate Writ, Order or Direction more particularly in the nature of Writ of Mandamus declaring the order dt.27-3-2012 which was served through letter dated 21-12-2015 pursuant to the order dated 19-9-2014 in W.P.No.26916 of 2014 of this Hon’ble Court, terminating the agency of the petitioner as arbitrary, illegal and violative of Life Insurance Corporation of India Agents Regulations 1972 and consequently set aside the same and pass such other or further orders as deem fit and proper in the circumstances of the case.”

Heard Sri Sai Gangadhar Chamatry, learned counsel for the petitioner and Sri Battula Raj Kiran, learned Standing Counsel appearing for the respondent-Insurance Company.

According to the petitioner his father worked as an agent of the respondent-Insurance Company bearing Code No.263684. Subsequently, the petitioner herein also joined as an agent with code

No.7567B. The 2nd respondent-Senior Divisional Manager-cum-Disciplinary Authority, LIC, East Godavari District issued show cause notice dated 14-11-2011 calling upon the petitioner to submit his explanation; whereupon the petitioner herein submitted his explanation on 23.11.2011. On 14-3-2012, the 2nd respondent herein terminated the agency of the petitioner in exercise of the powers conferred under Regulation 16 of the LIC of India Agents' Regulations, 1972 (for short " the Regulations").

Learned counsel for the petitioner, reiterating the averments made in the affidavit filed in support of the writ petition, would submit that only under the threat of contempt of the earlier orders passed by this Court, the 2nd respondent has prepared the termination orders by antedating the impugned proceedings. According to the learned counsel for the petitioner, the petitioner was served with the order of termination only on 21.12.2015 though it was acknowledged as on 3.4.2012.

On the other hand it is submitted by the learned Standing Counsel that the present writ petition is liable to be dismissed on the ground of

availability of alternative remedy of appeal before the Zonal Manager of the respondent Insurance Company under Regulation No.17 of the Regulations and that without exhausting the said alternative remedy, the present writ petition has been filed before this Court and therefore the writ petition is liable to be dismissed.

Having regard to the nature of controversy and in view of availability of alternative remedy, this Court is not inclined to entertain the present writ petition. However, this Court is of the considered opinion that ends of justice would be served if the petitioner is permitted to file appeal against the impugned order before the appropriate appellate authority.

The writ petition is therefore disposed of keeping it open for the petitioner herein to file appeal against the impugned order of termination before the appropriate appellate authority within a period of one month from the date of receipt of copy of this order along with an application to condone the delay. If such an application is filed, the same be considered and appropriate orders thereon be passed in accordance with law within a period of

two months thereafter after giving notice to all the concerned parties.

Accordingly, the writ petition is disposed of. Miscellaneous petitions pending, if any, shall stand closed. No costs.

JUSTICE

A.V.SESHA SAI

Dt: 18-4-2016

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18-4-2-16