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

CWP No.17765 of 2012 (O&M)

Date of decision:13.07.2016

Shiv Charan

...Petitioner

Versus

Life Insurance Corporation of India and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Sanjay Jain, Advocate,
for the petitioner.

Mr. Paramjit Batta, Advocate,
for the respondents.

Rakesh Kumar Jain, J.

The petitioner is an LIC agent with Agent Code No.0804-17E (Branch Office, Naraingarh). He was served with a show cause notice dated 20.09.2010 with an allegation that he along with three outsiders manhandled and assaulted Gurdev Chaudhary, Development Officer, Branch Office, Naraingarh. The petitioner gave a detailed reply on 23.10.2010 and, thereafter, vide its order dated 12.11.2010, the Competent Authority imposed the penalty of termination of agency of the petitioner in terms of Rule 16((1)(b) of LIC of India (Agents) Rules, 1972 (hereinafter referred to as the "Rules"). The petitioner filed an appeal against the order dated 12.11.2010, which was disposed of on 11.03.2011, though as a matter of fact, the appeal was dismissed.

Counsel for the petitioner has submitted that Rule 16(1)(b) of the Rules, under which the impugned order has been passed, says that the

agency can be terminated if the agent acts in a manner prejudicial to the interests of the Corporation or to the interest of its policy holders. It is submitted that it nowhere provides that the alleged assault upon the Development Officer would be an act prejudicial to the interest of the Corporation to attract the penal provision of termination of agency. It is further submitted that the appeal has been decided without giving personal hearing and in this regard, reliance has been placed upon a Division Bench judgment of this Court delivered in the case of **Gurmit Singh vs. Life Insurance Corporation of India Ltd. and others**, 2006(3) RSJ 540.

On the other hand, learned counsel for the respondents has submitted that Rule 16 of the Rules deals with termination of agency for certain lapses in which Rule 16(1)(b) has been invoked as the attack by three other persons on the Development Officer in his office is an act prejudicial to the interest of the Corporation. It is further submitted that the petitioner himself had admitted on 21.08.2010 of having assaulted the Development Officer Gurdev Chaudhary and also apologized in writing. In this regard, he has referred to a letter dated 21.08.2010 written by the petitioner, witnessed by Shri S.K.Sharma, Branch Manager of the LIC, Naraingarh.

I have heard learned counsel for the parties and examined the available record with their able assistance.

The allegation against the petitioner is that he had assaulted Gurdev Chaudhary, Development Officer of the LIC along with three other persons in his office. After inquiry, the agency was terminated because it was found that action of the petitioner was prejudicial to the interest of the Corporation in which all the employees of the corporation have to maintain

decorum. The petitioner does not have any case in view of his admission in writing before the Senior Divisional Manager, LIC of India, Divisional Office, Karnal, in which he has specifically admitted that on 07.08.2010 he along with his three friends, assaulted Gurdev Chaudhary, Development Officer in his office because of an old enmity and tendered apology assuring that it would not be repeated again. Once the petitioner has admitted to have assaulted Gurdev Chaudhary, Development Officer along with his 3 friends, he cannot be allowed to submit that his agency has been terminated on some extraneous considerations.

In view of the aforesaid discussion, I do not find any merit in the present petition and hence, the same is hereby dismissed.

July 13, 2016
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(Rakesh Kumar Jain)
Judge