

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2017

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P. Nos.10202, 14300, 27147, 31733
and 17092 of 2016
and W.M.P.Nos.9057, 9058, 12486, 12487,
23316, 27546 of 2016

W.P.No.10202 of 2016

M.Xavier Johnson Petitioner in WP.10202/2016

-Vs-

1. Union of India,
Rep. By The Secretary to Govt.,
Ministry of Finance,
Dept. of Financial Services,
III Floor, Jeevan Deep Building,
Parliament Street, New Delhi.
 2. The Zonal Manager
Southern Zonal Office, P.B.No.2450,
LIC Building, 153,
Anna Salai, Chennai-2.
 3. The Senior Divisional Manager,
Life Insurance Corporation of India,
Tirunelveli Division, 9-A,
Punithavathiar Street,
Palayamkottai, Tirunelveli.
- ... Respondents

W.P.No.10202 of 2016 filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records on the file of the 3rd respondent in connection with the show cause notice issued by him in Mktg/DI dated 29.2.16 and quash the same by holding that the Rules 7 and 8 of the Life Insurance Corporation of India Development Officer (Revision of Certain Terms and Conditions of Service) Rules 2009 notified by the respondents 1 and 2 as Unconstitutional and ultravires.

W.P.No.14300 of 2016

T.Vijayanandh

... Petitioner

-Vs-

1. The Life Insurance Corporation
of India, Rep. by the Chairman,
Central office, ''Yogakshema'',
Mumbai - 400 021.
2. The Zonal Manager,
Life Insurance Corporation of India,
Southern Zonal Office, Old NO.102,
New No.153, LIC Building,
Anna Salai, Mount Road,
Chennai-2.
3. The Senior Divisional Manager,
Life Insurance Corporation of India,
Divisional Office, P.B.No.3810,
Trichy Road, Coimbatore-641 018.

... Respondents

W.P.No.14300 of 2016 filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records on the file of the 2nd respondent in connection with the order passed by him in Mktg/D1 dated 15.3.2016 and quash the same by holding that the Rules 7 and 8 of the Life Insurance Corporation of India Development Officer (Revision of Certain Terms and Conditions of Service) Rules 2009 notified by the respondents 1 and 2 as Unconstitutional and ultravires.

W.P.No.27147 of 2016

R.Thambidurai

... Petitioner

-Vs-

1. The Life Insurance Corporation
of India, Rep. by the Chairman,
Central office, ''Yogakshema'',
Mumbai - 400 021.
2. The Zonal Manager,
Life Insurance Corporation of India,
Southern Zonal Office, Old NO.102,
New No.153, LIC Building,
Anna Salai, Mount Road,
Chennai-2.

3. The Senior Divisional Manager,
Life Insurance Corporation of India,
Salem Division, P.B.No.776,
Johnsonpet, Salem-636 007.

... Respondents

W.P.No.27147 of 2016 filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records on the file of the 3rd respondent in connection with the order passed by him in his proceedings dated 08.10.2015, 05.05.2016, 18.06.2016 and 16.07.2016 and quash the same by holding that interpretation of the Rules 7 and 8 of the Life Insurance Corporation of India Development Officer (Revision of Certain Terms and Conditions of Service) Rules 2009 and Life Insurance Corporation of India Development Officer (Revision of Certain Terms and Conditions of Service) Amendment Rules 2016 notified by the respondents 1 and 2 for straight termination without enquiry as Unconstitutional and ultravires.

W.P.No.31733 of 2016

G.Aravinda Kumar

... Petitioner

-Vs-

1. The Life Insurance Corporation of India,
Rep. by the Chairman /
Executive Director (Marketing/PD),
Central office, 'Yogakshema',
Mumbai - 400 021.

2. The Zonal Manager,
Life Insurance Corporation of India,
Southern Zonal Office, Old NO.102,
New No.153, LIC Building,
Anna Salai, Mount Road,
Chennai-2.

3. The Senior Divisional Manager,
Life Insurance Corporation of India,
Divisional Officer, Vellore.

... Respondents

W.P.No.31733 of 2016 filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records on the file of the 1st respondent in connection with the modification in his order dated 23.07.2016 in Ref:Mktg/ZD/20/2016 Modification in Draft of Annexure III-C and on the file of the 2nd respondent in connection with the order dated 08.08.2016 in Mktg/D1 and quash the same by holding that interpretation of the Rules 7 and 8 of the Life Insurance Corporation of India Development Officer (Revision of Certain

Terms and Conditions of Service) Rules 2009 and Life Insurance Corporation of India Development Officer (Revision of Certain Terms and Conditions of Service) Amendment Rules 2016 notified by the respondents 1 and 2 for straight termination without enquiry as Unconstitutional and ultravires.

W.P.No.17092 of 2016

R.Hariharasubramanian

... Petitioner

-Vs-

1. The Managing Director,
Appellate Authority, The Life Insurance Corporation of India,
Yogakshema Building, Jeevan Bhima Marg,
Mumbai-21.
 2. The Zonal Manager,
The Life Insurance Corporation of India,
LIC Building, No.153, Anna Salai,
Chennai-2.
 3. The Divisional Manager,
Life Insurance Corporation of India,
Krishnagiri Branch, Krishnagiri 635 001.
- ... Respondents

W.P.No.17092 of 2016 filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records on the file of the 3rd respondent culminating in the order bearing 09.06.2014 on the file of the 3rd respondent and served in person on 27.09.2014 and quash the same.

For Petitioners
in WP.10202/2016,
in WP.14300/2016,
in WP.31733/2016, : M/s.M.Srividhya
in WP.27147/2016 : Mr.S.Siva Shanmugam
in WP.17092/2016 : No Appearance for the Petitioner in
W.P.No.17092 of 2016

For Respondents : Mr.Su.Srinivasan
in WP.10202/2016 Assistant Solicitor General For R-1
: Mr.Silambanan, Senior Counsel
for M/s.Kaviya Silambanan
for RR 2 and 3

in WPs.14300, 27147 : Mr.Silambanan, Senior Counsel
31733 and 17092/2016 for M/s.Kaviya Silambanan
for RR 1 to 3

COMMON ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

These writ petitions are disposed of in terms of the order passed in the connected writ petitions, i.e. W.P.No.29194 of 2014, dated 30.03.2016, which reads as under:

'Learned counsel appearing for the respondents/Life Insurance Corporation states that in view of the Judgment of the Kerala High Court in W.A.No.2006 of 2014 (Life Insurance Corporation of India and another vs. Sonia Bhaskar and another) decided on 03.08.2015, the order under challenge be treated as withdrawn and a fresh order be passed after hearing the petitioner.

2. We are also informed by the learned counsel for the petitioners that the Judgment of the Allahabad High Court in W.A.No.53292 of 2010 (Vivek Anand vs. Life Insurance Corporation of India and others) decided on 06.12.2012 is the subject matter of challenge before the Hon'ble Supreme Court of India and there is always a possibility that something may be said therein beyond what is said in the Kerala High Court decision. It is agreed, if that be the position, the observations of the Hon'ble Supreme Court in those proceedings would equally apply to the matter in question.

3. Learned counsel for the respondent has clarified an aspect pleaded by the learned counsel for the petitioners that reconsideration now would be as per the existing rules.

4. The aforesaid statements are taken on record and the writ petitions are disposed of, leaving the parties to bear their own costs. Consequently, connected miscellaneous petitions are closed.

No costs. Consequently, connected miscellaneous petitions stand closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sra

To

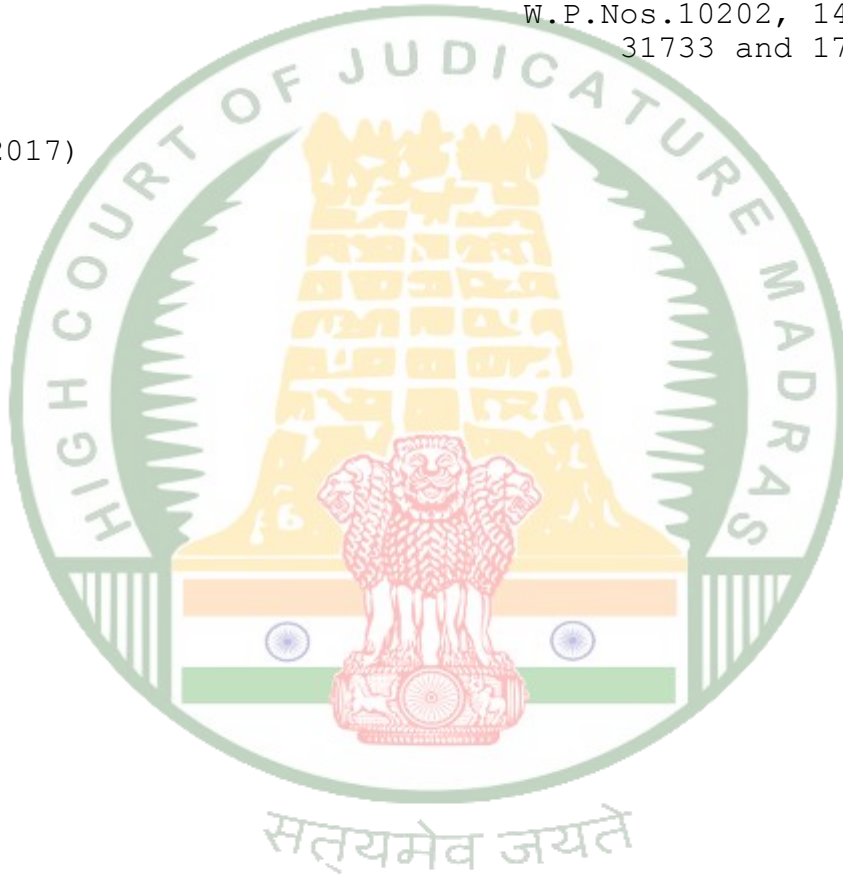
1. The Secretary to Govt of India,
Ministry of Finance,
Dept. of Financial Services,
III Floor, Jeevan Deep Building,
Parliament Street, New Delhi.
2. The Zonal Manager
Southern Zonal Office, P.B.No.2450,
LIC Building, 153,
Anna Salai, Chennai-2.
3. The Senior Divisional Manager,
Life Insurance Corporation of India,
Tirunelveli Division,
9-A, Punithavathiar Street,
Palayamkottai, Tirunelveli.
4. The Chairman,
Life Insurance Corporation of India,
Central office, 'Yogakshema',
Mumbai - 400 021.
5. The Zonal Manager,
Life Insurance Corporation of India,
Southern Zonal Office, Old NO.102,
New No.153, LIC Building,
Anna Salai, Mount Road, Chennai-2.
6. The Senior Divisional Manager,
Life Insurance Corporation of India,
Divisional Office, P.B.No.3810,
Trichy Road, Coimbatore-641 018.
7. The Senior Divisional Manager,
Life Insurance Corporation of India,
Salem Division, P.B.No.776,
Johnsonpet, Salem-636 007.
8. The Senior Divisional Manager,
Life Insurance Corporation of India,
Divisional Officer, Vellore.
9. The Divisional Manager,
Life Insurance Corporation of India,
Krishnagiri Branch,
Krishnagiri 635 001.

10.The Managing Director,
Appellate Authority, The Life Insurance
Corporation of India,
Yogakshema Building, Jeevan Bhima Marg,
Mumbai-21.

+4cc's to M/s.M.Srividhya, Advocate, S.R.Nos.7904 to 7907
+2cc's to M/s.Kaavya Silambanan Associates, Advocate, S.R.No.7989

W.P.Nos.10202, 14300, 27147,
31733 and 17092 of 2016

UG(CO)
CA(15/02/2017)



WEB COPY