IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 4.12.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1592 of 2017
and
C.M.P.No.20877 of 2017

K.Tamilselvi .. Appellant/Petitioner

Versus

The Life Insurance Corporation of India
Rep by the Zonal Manager
LIC Building 153 Anna Salai
Chennai-600 002. .. Respondent/Respondent

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 15.9.2017 passed in W.P.No.3722 of 2017 on the file of this court.

W.P.No.3722 of 2017:-

Writ of Certiorari Calling for the records pertaining to the first show cause notice dated 27.01.2017 issued by the respondent and the Second show cause notice dated 20.08.2015 issued by the 1st respondent for termination quash the same

For appellant : Mr.N.Manokaran

For respondent : Mr.S.Silmbanan, Senior Counsel for M/s.Kaavya Silambanan Associates

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2. The writ appeal has been filed by a lady employee of Life Insurance Corporation, working as Development Officer, challenging the order passed by the learned Single Judge. It appears that in connection with inefficiency in achieving the targets of getting insurance policies, number of persons were issued with show cause notice and the appellant/writ petitioner is one among them. The grievance of the appellant/writ petitioner is that show cause notice should not have been issued to her considering the fact that she went on maternity leave for six months during the relevant time and therefore, only to

harass the appellant/writ petitioner such a show cause notice has been issued.

3. It appears that in the show cause notice dated 20.6.2015, it has been observed that the appellant's annual remuneration for the appraisal year exceeds 38% of the eligible premium of the year and her cost ratio for the immediately preceding appraisal year which ended on 31.5.2014 was 37.15% and on that ground, the services of the appellant were proposed to be terminated under Sub-Rule 8 of Rule 6 read with Rule 7 of the Life Insurance Corporation of India (Revision of Certain Terms and Conditions of Service)Rules, 2009.

4. It is clear from the submission of the learned counsel appearing for the appellant/writ petitioner that for a period of six months at the relevant point of time, the appellant had went on maternity leave and hence, she could not achieve the target, however, instead of giving certain exemption based on the ground taken by her, the authorities have proceeded to issue show cause notice.

5. Considering the totality of the facts and circumstances of the case, we are of the view that the show cause notice must have been issued by the authority as a procedural one and since the it is the case of the appellant that she had been on maternity leave for a period of six months at the relevant time, it is for the appellant to submit her explanation raising such a contention with supporting materials which would be positively considered by the authority concerned before taking a decision. It is needless to say that the authority concerned shall not take any coercive steps in a casual manner without considering the genuine reason adduced by the appellant. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ssk.
To:
The Zonal Manager,
The Life Insurance Corporation of India
LIC Building 153 Anna Salai Chennai-02.

+1cc to Mr.N.Manokaran, Advocate, S.R.No.85774
+1cc to M/s.Kaavya Silambanan Associates, Advocate, S.R.No.85568

W.A.No.1592 of 2017

RV(CO)
CS/08/02/18