

CWP No. 11211 of 2013

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IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 11211 of 2013

Date of decision : August 24, 2017

Sunil Kumar

..... Petitioner

Versus

LIC and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

**Present:- Mr. R. S. Budhwar, Advocate
for the petitioner.**

**Mr. Akshay Jain, Advocate
for the respondents.**

RAKESH KUMAR JAIN, J (oral).

The petitioner has challenged the order dated 17.11.2009, 8.5.2010 and 29.9.2012 passed by the respondents allegedly in violation of the provisions of LIC of India (Agents) Rules, 1972 as well as Insurance Act, 1938.

Shorn of the unnecessary details, the impugned order has been passed without affording an opportunity of hearing, much less show cause notice.

The only issue involved in this case is about service of the show cause notice.

Counsel for the respondents has submitted that though the show cause notice was issued but the respondents do not have the proof of service.

Be that as it may, in the absence of proof of service and the assertion of the petitioner that he has not received any show cause

notice, the Court has to presume that the show cause notice was not served upon the petitioner. In the absence of the show cause notice, the petitioner has not been afforded an opportunity of hearing before the impugned order has been passed, therefore, I am of the considered opinion that the impugned orders deserves to be set aside.

Consequently, the writ petition is hereby allowed and the impugned orders are set aside. However, liberty is granted to the respondents to proceed against the petitioner in accordance with law i.e. after serving show cause notice upon him and affording an opportunity of hearing.

(RAKESH KUMAR JAIN)
JUDGE

August 24, 2017
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No