

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 30.10.2018
CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No. 12805 of 2013

D.Devendiran

...Petitioner

Vs

1.The Zonal Manager,
Life Insurance Corporation of India,
Southern Zone,
LIC Building, Anna Salai,
Chennai - 600 002.

2.The Marketing Manager,
Life Insurance Corporation of India,
Divisional office II Anna Nagar,
Chennai - 600 040.

3.The Divisional Manager,
Life Insurance Corporation of India,
Divisional Office II Anna Nagar,
Chennai - 600 040.

4.The Branch Manager,
Life Insurance Corporation of India,
Ponneri Branch, Taluk Office Road,
Ponneri, Tiruvallur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay the renewal commission to the petitioner (Agency Code No.0039571F) for the premium being paid for the Life Insurance Policies procured by the petitioner during his agency period at the office of the 4th respondent from the date of due, May'2007 upto date and also to continue to pay the same to the petitioner.

For Petitioner : Mr.A.Aravind
for Mr.R.Munuswamy

For Respondents : Mr.R.S.Anandan

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondent to pay the renewal commission to the petitioner (Agency Code No.0039571F) for the premium being paid for the Life Insurance Policies procured by

the petitioner during his agency period at the office of the 4th respondent from the date of due, May'2007 up to date.

2. The relief as such sought for in the present writ petition is absolutely misconceived. The writ petitioner is admittedly an agent of Life Insurance Corporation of India and he is eligible to receive commissions for the business growth established by him in respect of the policies of the Insurance Corporation. The payment of commission is a contractual obligation on the part of the Life Insurance Corporation of India.

3. The Learned Counsel appearing on behalf of the respondents states that the representation submitted by the writ petitioner had already been rejected and repeatedly he is filing the writ petitions and representations without establishing his right to consider his case for payment of any commission.

4. This Court is of an opinion that the business developments made by the writ petitioner and commissions liable to be paid by the Corporations are the contractual obligations for which the petitioner has to establish his case by producing original document and adducing evidences before the Competent Forum. Such complex, facts and circumstances cannot be adjudicated in the writ jurisdiction under Article 226 of the Constitution of India. The writ petitioner if at all aggrieved, has to approach the Competent Court for adjudication of issues by producing the documents. This apart, the writ petitioner is not an employee of the Life insurance Corporation of India and he is only an agent and such contractual obligations arising on account of certain agreements or understanding can never be a cause of action for the purpose of entertaining the writ petition.

5. Accordingly the writ petitioner has not established even a semblance of legal right so as to consider the relief as such sought for in the present writ petition. Accordingly the writ petition stands dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

jas/pkn

To

1.The Zonal Manager,
Life Insurance Corporation of India,
Southern Zone,
LIC Building, Anna Salai,
Chennai - 600 002.

2.The Marketing Manager,
Life Insurance Corporation of India,
Divisional office II Anna Nagar,
Chennai - 600 040.

3.The Divisional Manager,
Life Insurance Corporation of India,
Divisional Office II Anna Nagar,
Chennai - 600 040.

4.The Branch Manager,
Life Insurance Corporation of India,
Poneeri Branch, Taluk Office Road,
Ponneri, Tiruvallur District.

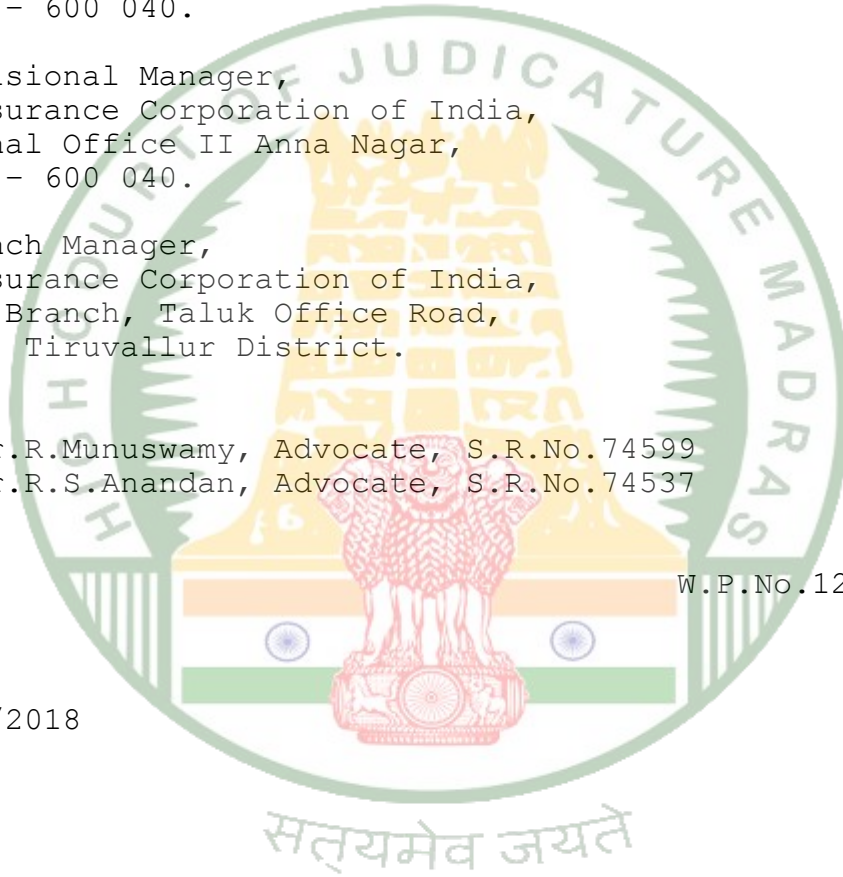
+1cc to Mr.R.Munuswamy, Advocate, S.R.No.74599

+1cc to Mr.R.S.Anandan, Advocate, S.R.No.74537

W.P.No.12805 of 2013

GJ II(CO)

rrs 04/12/2018



WEB COPY