



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2018

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) Nos.17563 of 2015 and 12114, 12115 of 2016
and
M.P(MD)No.1 of 2015, W.M.P(MD)No.9247 to 9250 of 2016

W.P(MD)No.17563 of 2015

S.Balasubramanian

... Petitioner

-vs-

1. The Union of India,
rep. By its Secretary to Govt.
Ministry of Finance,
Department of Financial Services,
Jeevan Deep Building,
Parliament Street,
New Delhi-110 001.
2. The Life Insurance Corporation of India,
rep. By its Chairman,
Central Office,
Mumbai.
3. The Zonal Manager,
Life Insurance Corporation of India,
Southern Zonal Office,
L.I.C.Building,
Anna Salai, Mount Road,
Chennai-600 002.
4. The Senior Divisional Manager,
Life Insurance Corporation of India,
Tirunelveli Division,
9-A, Punithavathiar Street,
Palayamkottai,
Tirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the <https://hcservices.ecds.gov.in/hcservices/> file of the third respondent in connection with the impugned order dated 29.08.2015 passed by him in Mktg./DI and quash the same by holding that Rule 7 of the Life Insurance



Corporation of India Development Officers (Revision of certain terms and conditions of service) Rules 2009 as unconstitutional and ultravires.

W.P(MD)No.12114 of 2016

P.Hemalatha

... Petitioner

-vs-

1. The Life Insurance Corporation of India,
rep. By its Chairman,
Central Office, "Yogakshema",
Mumbai - 400 021.
2. The Zonal Manager,
Life Insurance Corporation of India,
Southern Zonal Office,
L.I.C.Building,
Anna Salai, Mount Road,
Chennai-600 002.
3. The Senior Divisional Manager,
Life Insurance Corporation of India,
Divisional Office,
"Jeevan Prakash",
Gandhiji Road,
Thanjavur

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records on the file of the third respondent in connection with the order passed by him in his Proc.Nil, dated Nil served on 21.12.15 and Proc.No.Nil dated 02.06.2016 wrongly typed as 2.6.15 instead of 2.6.16, served on me on 20.6.16 and quash the same by holding that the interpretation of the Rules 7 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 as unconstitutional and ultravires.

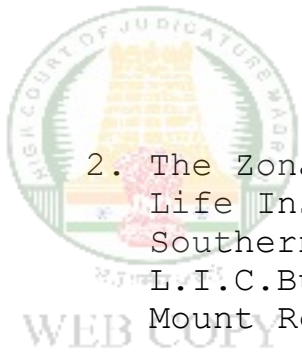
W.P(MD)No.12115 of 2016

J.Palanirajan

... Petitioner

-vs-

1. The Life Insurance Corporation of India,
rep. By its Chairman,
Central Office, Yogakshema,
Mumbai.



2. The Zonal Manager,
Life Insurance Corporation of India,
Southern Zonal Office,
L.I.C. Building, Anna Salai,
Mount Road, Chennai-600 002.

3. The Senior Divisional Manager,
Life Insurance Corporation of India,
Madurai Divisional Office, "Jeevan Prakash",
Bridge Station Road,
P.O.Box No.16, Sellur,
Madurai - 625 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the third respondent in connection with the order passed by him in his Proc.Ref:Sales/Appraisal/SP, dated 30.06.2016 and quash the same by holding that the interpretation of the Rules 7 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 & 2 as Unconstitutional and ultravires.

For Petitioners : Mr.D.Selvanayagam
in all WP's

For R2 to R4
(in W.P.(MD)No.17563/2015) : Mr.S.Anwar Sameem

For R1 to R3
(in W.P.(MD)No.12114/2016) : Mr.G.Prabhu Rajadurai

For R1 to R3
(in W.P.(MD)No.12115/2016) : Mr.S.Anwar Sameem

For R1
(in W.P.(MD).No.17563 of 2015 : Mr.S.Jeya singh

C O M M O N O R D E R

The show cause notices issued to the writ petitioners under the provisions of Life Insurance Corporation of India Development Officers (Revision of Certain Terms and Conditions of Service) Rules, 2009, is under challenge in these writ petitions.

2.In respect of the similar reliefs, this Court considered the issues elaborately in a batch of writ petitions filed in W.P.No.12114 of 2016 etc., and judgments were delivered on 15.09.2017.



3. Challenging the above judgment, writ appeal No.1639 of 2017 was filed and the Hon'ble Division Bench of this Court passed an order on 08.12.2017 confirming the judgment by making certain observations.

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4. The operative portion of the order is extracted hereunder:-

"5. On going through the materials available on record, we are of the view that since it is only a show cause notice we are not inclined to interfere with the same. However, in our considered view, the usage of the word 'should' will amount to pre-determination of the issue and it leads to the apprehension expressed by the learned Senior Counsel appearing for the appellant. Therefore, such usage is hereby deprecated.

6. Further, nowadays, the LIC has been encouraging the online policies with technological developments. Therefore, it is high time for effecting necessary amendments with regard to the terms and conditions of service for the Development Officers in connection with their performance in securing the insurance policies.

7. Since the challenge in the present proceedings is only a show cause notice, without interfering with the order passed by the learned Single Judge, we dispose of the writ appeal subject to the above observation. The explanation of the appellant would be considered on merits and in accordance with law complying with the principles of natural justice and also in the light of the decision in (2015) 7 SCC 222."

5. In view of the judgment rendered in the writ appeal in W.A.No.1639 of 2017, no further orders are required in these writ petitions and accordingly all the writ petitions stand disposed of in terms of the order passed in the said writ appeal. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar



To

The Secretary to Govt.
Ministry of Finance,
Department of Financial Services,
Jeevan Deep Building,
Parliament Street,
New Delhi-110 001.

+ 3 ccs TO Mr.D.Selvanayagam , Advocate in SR Nos. 44077,44079,
44080

+ 2 ccs TO Mr.T.Antony Arul Raj , Advocate in SR No. 43873,43874

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AE/SKN RSK/SAR2/08.02.2018/5P/7C

W.P.(MD) Nos.17563 of 2015 and
12114, 12115 of 2016
24.01.2018