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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2018

CORAM

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

W.P.(MD) No.15844 of 2017

and

W.M.P(MD)Nos.12525 & 12526 of 2017

A.Palaniappan

... Petitioner

-vs-

1. The Life Insurance Corporation of India,
Rep. By the Chairman/the Executive Director,
(Marketing/PD)
Central Office,
Marketing Dept., III Floor,
"Yogakshema" Bldg, West Wing,
Jeevan Beema Marg,
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,
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 Certiorari, to call for the records on the file of the first respondent in connection with the order of Modification in Ref.Mktg./ZD/20/2016, dated 23.07.2016 to Draft of Annexure III-C and also on the file of the third respondent in connection with the order passed by him in Ref:Sales/Appraisal/SP dated 30.05.17/02.06.17 and quash the same by holding that the 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

<https://hcservices.ecourts.gov.in/hcservices> respondents 1 and 2 for straight termination without enquiry as unconstitutional and ultravires.



For Petitioner

: Mr.R.Singaravelan for
D.Selvanayagam

For R1 to R3

: Mr.C.Godwin

ORDER

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The show cause notice issued to the writ petitioner 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 this writ petition.

2.In respect of the similar reliefs, this Court considered the issues elaborately in a batch of writ petitions filed in W.P.Nos.35411 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.

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."

<https://hcservices.courts.gov.in/hcservices/> of the judgment rendered in the writ appeal in W.A.No.1639 of 2017, no further orders are required in this writ



Assistant Registrar (CS-I)

Sub Assistant Registrar

VB/KKR/SAR4/13.02.2018/3P/3C

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