

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:14.02.2019

Coram

The Hon'ble Mr. Justice V.PARTHIBAN

W.P.No.4520 of 2011
and
M.P.Nos.1 and 2 of 2011

K.Perumal

.. Petitioner

Vs.

1.The Zonal Managar,
Zonal Office,
Life Insurance Corporation of India,
153, Anna Salai,
Chennai-600 002

2.The Senior Divisional Manager,
Divisional Office,
Life Insurance Corporation of India,
'Jeevan Prakash',
Johnsonpet,
Salem -636 007

3.The Senior Branch Manager,
Life Insurance Corporation of India,
Salem North Branch,
17-B, Gandhi Road,
Salem-636 007

4.The Officer of Agency Section,
Marketing Department,
3rd Floor Central Office,
Jeevan Bima Marg,
Mumbai-400 021

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records pertaining to the order made in Ref:Mktg/P.P dated 27.01.2009, passed by the 2nd respondent, terminating the agency and subsequent order dated 11.11.2011 passed by the 1st respondent and consequently direct the 2nd respondent to reinstatement of the petitioner agency and further direct the 4th respondent to make renewal of license of the petitioner.

For Petitioner .. Mr.A.Nagarathinam

For Respondents ... Mr.R.S.Anandan for R1 to R4

ORDER

The present writ petition has been filed against the order passed by the respondent Corporation in terminating the agency, which was granted in favour of the petitioner herein, with effect from 01.02.2009.

2.According to the respondent Corporation, the petitioner had involved in several irregularities in acting as an agent of the Corporation and therefore, an enquiry was held and ultimately the agency of the petitioner stood terminated.

3.This Court is unable to appreciate as to how the writ petition is maintainable, since the issue between the petitioner and the respondent Corporation is purely contractual in nature. In case, the petitioner is aggrieved by the termination of agency and finds that the terms and conditions of the agency has been violated by the Corporation, it is always open to him to approach appropriate Civil forum, seeking damages against the respondent Corporation. Certainly it is not open to the petitioner herein to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. Moreover, it is an admitted fact that the agent of the Corporation is not an employee and therefore, the petitioner cannot seek intervention of this Court under Article 226 of the Constitution. The arrangement between the Corporation and the petitioner in respect of the agency, which is the subject matter of the litigation, is purely a private arrangement and any dispute with regard to that arrangement cannot be brought within the ambit of adjudication under Article 226 of the Constitution. Therefore, the writ petition is found to be not maintainable and accordingly, the same is dismissed. No costs. Consequently connected miscellaneous petitions are dismissed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

msk

To

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3rd Floor Central Office,
Jeevan Bima Marg,
Mumbai-400 021

+1cc to Mr. R.S.Anandan, Advocate SR.No. 13182

+1cc to Mr.A.Nagarathinam , Advocate SR.No. 1339

W.P.No.4520 of 2011

A.SK(08/03/2019)

सत्यमेव जयते

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