

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.26518/2019 &
WMP.Nos.25880 and 25883/2019

Dr.K.Rayar

..Petitioner

Versus

- 1.Principal Secretary., G.O.I.,
Prime Minister Office., P.M.O.,
No.152, South Block.,
New Delhi - 110004.
- 2.The Union Government
Rep by the Secretary,
Ministry of Finance,
Insurance Division(D.F.S.)
Jeevan dheep Building.,
Parliamentary Street,
New Delhi 110 001.
- 3.The Chairman., IRDAI.,
Insurance Regulatory
and Development Authority of India.,
Consumers affairs department.,
Sy.No.115/1, Financial District.,
Nanakrmmguda, Gachibowlil.,
Hyderabad., A.P 500032.
- 4.The Chief Central Vigilance Commissioner.,
Central Vigilanc Commission., G.O.I.,
Satarkata Bhavan., A-Block GPO Complex.,
I.N.A., New Delhi - 110023.
- 5.The Director,
Central Bureau of Investigation,
Plot No.5-B, C.G.O.Complex,
Lodhi Road,. New Delhi - 110003.

6.The Chairman,
Life Insurance Corporation of India,
Central Office, P.B.No.19953,
Yogakshema, Jeevan Bima Marg,
Mumbai 400021.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for certiorarified mandamus and call for the records relating to the circular No.CO/PER.ER-A/224/2019 Personnel/ER on the file of L.I.C of India passed by the 6th respondent herein and quash the same and consequently, direct th 4th and 5th respondents to do the thorough national investigation regard to DARPG/P/2018/04301 dated 28.09.2018, DARPG/P/2019/02279 dated. 04.06.2019.

For Petitioner : Dr.K.Rayar

For Respondents: Mr.K.Ramamurthy for R1 & R2

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

The writ petition is styled as a public interest litigation filed by the writ petitioner stating that he is having the qualification of M.A., D.Lit, PH.D and he is the Chairman/Founder of Jaya Suriya College of Education Life Member ICADR Supreme Court of India-New Delhi Indian Institute of Public Administration-New Delhi, Assocham International Council of Alternate Dispute Resolution Panel member ICA & E Agent Retired Development Officer of Life Insurance Corporation of India (hereinafter referred as 'LIC'), (VPM BR.) Sr.No.521929, DE Code No.00744. The petitioner would further claim that he is the Ex-Vice Chairman of Coir Board, Executive & Industrial Development committee, Board Member of Coir Board, Ministry of MSME, Government of India & Ex General Council member of RCI, Ministry of SJ & E, Govt of India and Ex member, National Council, Teacher Education Souther Regional Committee, Ministry of HRD, Govt of India, New Delhi and Member of Divisional Railway users Consultative Committee, Tiruchirapalli Division, Southern Railway, Ministry of Railway, Govt. of India, Founder/Chairman, Rajiv Gandhi Coir Institute founder Chairman JSET Exporter member telecom Advisory Committee, Cuddalore SSA Ministry of Information Technology, GOI New Delhi.

2. The petitioner/party in person would submit that he was the Development Officer in the services of LIC and he was dismissed from service on 12.04.2005 and after prolonged legal battle, he was reinstated in the service on 19.08.2015 and once again he was dismissed from service on 31.03.2018 and he has

intended to make a challenge to the said order of dismissal for the reason that in normal course, he would have retired from service on 13.09.2018. The petitioner would state that alleging large scale corruption looting of Policy Holders money and accumulation of disproportionate assets to the known sources of income on the part of Mr.V.K.Sharma, Chairman of the Life Insurance Corporation of India, he submitted numerous representations and also approached the Hon'ble Supreme Court of India by invoking Article 32 of the Constitution of India and he was directed to approach this Court and therefore, came forward to file this Writ petition styled as a Public Interest Litigation.

3. The writ petitioner, in this writ petition styled as a PIL, is making a challenge to the circular No.CO/PER/ER-A/224/2019, dated 18.06.2019, which deals with the subject of protection to employees - Legal and Incidental expenses.

4. The primordial submission made by the petitioner / party in person is that the original circular dated 01.11.1968, was holding the field and the matter has been reviewed in the 586th meeting of the Board held on 22.02.2019 and as a consequence, the circular dated 18.06.2019 came to be issued and there is no necessity to review the earlier policy decision dated 01.11.1968 in the absence of any representation from the Employees Union of LIC and that Mr.V.K.Sharma, was the only the acting Chairman. The primordial grievance expressed by the petitioner appears to be that as to the alleged misdeeds of Mr.V.K.Sharma, who is the former Chairman of the Life Insurance Corporation of India and admittedly, the said person has not been arrayed in his individual capacity for the purpose of meeting out the personal allegation levelled against him. Be that as it may, the impugned circular dated 18.06.2019 deals with full legal support to defend the employees/officers/directors, against whom legal proceedings have been initiated or there is a threat of against them on prima facie satisfaction that he/she had acted in good faith in discharging his/her responsibilities diligently on behalf of the Corporation.

5. Paragraph Nos.1 to 9 of the affidavit filed in support of the writ petition deals with the alleged misdeeds on the part of Mr.V.K.Sharma, the then Chairman of Life Insurance Corporation of India and in paragraph no.10, the petitioner states as follows;

"I Submit, circular No.CO/PER/ER-A/224/2019 Personnel/ER on the file of L.I.C of India to all officers of the corporation regard to Protection to Employees-Legal and incidental Expenses is highly illegal and it is very clear

effort from the top seats of L.I.C to protect them from the action of 4,5'th respondents herein."

6. In the considered opinion of this Court, no tenable ground has been made out for making a challenge to the circular issued by the Executive Director, Personnel of the Life Insurance Corporation of India, dated 18.06.2019 and it is not even the case of the petitioner that the said official lacks power to issue such a circular. It has to be noted at this juncture that the primordial grievance expressed by the petitioner to the said circular is that admittedly, there was an earlier circular dated 01.11.1968 and there is no necessity or occasion to make changes to the said circular which implies that the Executive Director, Personnel is having competency to issue such a circular. It is not as if the untenable powers has been given to the said official to issue such a circular, for the reason only to arrive at a prima facie satisfaction, necessary legal assistance can be given to the existing employees/officers/directors against whom legal proceedings have been initiated.

7. In 2008 1 MLJ page 1075 (Holicow Pictures Pvt. Ltd Vs. Prem Chandra Mihra and Others) a public interest litigation has been filed challenging the action of the State Government in granting allotment of loan in favour of the 5th respondent therein and the Hon'ble Supreme Court of India while dealing with the same, had observed something about the Public Interest Litigations and it is relevant to extract the following paragraphs:

10. When there is material to show that a petition styled as a public interest litigation is nothing but a camouflage to foster personal disputes, the said petition is to be thrown out. Before we grapple with the issue involved in the present case, we feel it necessary to consider the issue regarding public interest aspect. Public interest litigation which has now come to occupy an important field in the administration of law should not be 'publicity interest litigation' or 'private interest litigation' or 'politics interest litigation' or the latest trend 'paise income litigation'. ... If not properly regulated and abuse averted, it becomes also a tool in unscrupulous hands to release vendetta and wreak vengeance, as well. There must be real and genuine public interest involved in the litigation and not merely an adventure of a knight errant borne out of wishful thinking. It cannot also be invoked by a person or a body of persons to further his or their personal causes or satisfy his or their personal grudge and enmity. The courts of justice should not be allowed to be polluted by unscrupulous litigants by resorting to

the extraordinary jurisdiction. A person acting bona fide and having sufficient interest in the proceeding of public interest litigation will alone have a locus standi and can approach the court to wipe out violation of fundamental rights and genuine infraction of statutory provisions, but not for personal gain or private profit or political motive or any oblique consideration. These aspects were highlighted by this Court in Janata Dal v. H.S. Chowdhary [(1992) 4 SCC 305 : 1993 SCC (Cri) 36] and Kazi Lhendup Dorji v. CBI [1994 Supp (2) SCC 116 : 1994 SCC (Cri) 873] . A writ petitioner who comes to the court for relief in public interest must come not only with clean hands like any other writ petitioner but also with a clean heart, clean mind and clean objective. (See Ramjas Foundation v. Union of India [1993 Supp (2) SCC 20] and K.R. Srinivas v. R.M. Premchand [(1994) 6 SCC 620] .)

15. In para 96 of the said judgment, it has further been pointed out as follows:

'96. While this Court has laid down a chain of notable decisions with all emphasis at their command about the importance and significance of this newly developed doctrine of PIL, it has also hastened to sound a red alert and a note of severe warning that courts should not allow its process to be abused by a mere busybody or a meddlesome interloper or wayfarer or officious intervener without any interest or concern except for personal gain or private profit or other oblique consideration.'

16. In subsequent paras of the said judgment, it was observed as follows:

' It is thus clear that only a person acting bona fide and having sufficient interest in the proceeding of PIL will alone have a locus standi and can approach the court to wipe out the tears of the poor and needy, suffering from violation of their fundamental rights, but not a person for personal gain or private profit or political motive or any oblique consideration. Similarly, a vexatious petition under the colour of PIL brought before the court for vindicating any personal grievance, deserves rejection at the threshold.'

18. Public interest litigation is a weapon which has to be used with great care and circumspection and the judiciary has to be extremely careful to see that behind the beautiful veil of public interest an ugly

private malice, vested interest and/or publicity-seeking is not lurking. It is to be used as an effective weapon in the armoury of law for delivering social justice to the citizens. The attractive brand name of public interest litigation should not be used for suspicious products of mischief. It should be aimed at redressal of genuine public wrong or public injury and not publicity-oriented or founded on personal vendetta. As indicated above, the court must be careful to see that a body of persons or member of public, who approaches the court is acting bona fide and not for personal gain or private motive or political motivation or other oblique considerations. The court must not allow its process to be abused for oblique considerations by masked phantoms who monitor at times from behind. Some persons with vested interest indulge in the pastime of meddling with judicial process either by force of habit or from improper motives, and try to bargain for a good deal as well to enrich themselves. Often they are actuated by a desire to win notoriety or cheap popularity. The petitions of such busybodies deserve to be thrown out by rejection at the threshold, and in appropriate cases with exemplary costs.

20. The Court has to be satisfied about (a) the credentials of the applicant; (b) the prima facie correctness or nature of information given by him; (c) the information being not vague and indefinite. The information should show gravity and seriousness involved. The court has to strike a balance between two conflicting interests: (i) nobody should be allowed to indulge in wild and reckless allegations besmirching the character of others; and (ii) avoidance of public mischief and to avoid mischievous petitions seeking to assail, for oblique motives, justifiable executive actions. In such case, however, the court cannot afford to be liberal. It has to be extremely careful to see that under the guise of redressing a public grievance, it does not encroach upon the sphere reserved by the Constitution to the executive and the legislature. The court has to act ruthlessly while dealing with imposters and busybodies or meddlesome interlopers impersonating as public-spirited holy men. They masquerade as crusaders of justice. They pretend to act in the name of pro bono publico, though they have no interest of the public or even of their own to protect.

8. In the considered opinion of this Court, the petitioner fails to make out any prima facie case or sustainable legal ground to entertain the present writ petition, in and by which the petitioner makes a challenge to the impugned circular.

Though the petitioner made very serious allegations against Mr.V.K.Sharma, former Chairman of LIC, he has not been made as a party and also appears that he is also having an axe to grind on account of the fact that he has been dismissed from service.

9. The present Public Interest Litigation, in the light of the limited challenge made by the petitioner, cannot be said to be in public interest and the petitioner is also aggrieved by the acts of the management of the Life Insurance Corporation of India for having dismissed him from service and admittedly, it is the submission of the petitioner that he is not going to make a challenge of the said order of dismissal also.

10. The present writ petition styled as a Public Interest Litigation lacks merit and substance and deserves dismissal and accordingly, dismissed. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

Sk

To

- 1.The Principal Secretary., G.O.I.,
Prime Minister Office., P.M.O.,
No.152, South Block.,
New Delhi - 110004.
- 2.The Secretary,
The Union Government
Ministry of Finance,
Insurance Division(D.F.S.)
Jeevan dheep Building.,
Parliamentary Street,
New Delhi 110 001.
- 3.The Chairman., IRDAI.,
Insurance Regulatory
and Development Authority of India.,
Consumers affairs department.,
Sy.No.115/1, Financial District.,
Nanakrmmguda, Gachibowlil., Hyderabad., A.P 500032.

4.The Chief Central Vigilance Commissioner.,
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Satarkata Bhavan., A-Block GPO Complex.,
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5.The Director,
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6.The Chairman,
Life Insurance Corporation of India,
Central Office, P.B.No.19953,
Yogakshema, Jeevan Bima Marg,
Mumbai 400021.

+1cc to Mr.K.Ramanamoorthy, Advocate, S.R.No. 77590
+5cc to Dr.K.Rayar, Advocate, S.R.No. 77570

WP.No.26518/2019 &
WMP.Nos.25880 and 25883/2019

RJI (CO)
GN(17/10/2019)



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