

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3772 of 2012**

Ms Kusumlata Vaidya S/o Lt. Y.M. Vaidya Aged About 38 Years 2541
Housing Board, Industrial Area, Bhilai Distt. Durg C.G , Chhattisgarh

---- Petitioner**Versus**

1. Chairman Life Insurance Corp.Of India And Ors. Central Office,
Yogeshrema Jeevan Bima Nigam Marg, Mumbai , Maharashtra
2. Regional Manager Life Insurance Corporation Of India, Regional Office,
Pandri, Distt. Raipur C.G. , District : Raipur, Chhattisgarh
3. Branch Manager Life Insurance Corporation Of India, Regional Office,
Pandri, Distt. Durg.C.G., District : Durg, Chhattisgarh
4. Sr. Divisional Manger Life Insurance Corportion Of India, Ithiraj Complex
C.A.B. Supela, Bhilai Distt. Durg C.G. , District : Durg, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Azad Siddique, Advocate
For Respondent/s	:	Mr. Mukesh Sharma, Advocate

Hon'ble Shri Justice P. Sam Koshy
Order on Board

11/06/2020

1. The challenge in the present writ petition is to the order Annexure P-4 and Annexure P-11 whereby there is an order of recovery dated 13.07.2011 and the rejection of the representation dated 18.02.2012 P-11.
2. Perusal of the record would show that petitioner had meanwhile filed a petition WPS No. 159/2012 which came up for hearing on 16.01.2012 and this Court disposed of the writ petition granting liberty to the petitioner to prefer a representation which would be decided by the respondents within stipulated period of six weeks'. Since no

action was taken by the respondents within the stipulated period the petitioner had preferred a contempt petition i.e. CONT 177/2012. The contempt petition came up for hearing on 30.07.2012 on which date the counsel for the LIC informed that representation of the petitioner already stands decided on 29.02.2012. On the submission of the counsel for the Corporation the contempt petition was disposed of.

3. Now the present writ petition has been filed challenging Annexure P-4 and P-11.
4. At the outset, this Court is of the opinion that writ petition in its present form would not be maintainable for the reason that subsequent to the disposal of WPS 159/2012 on 16.01.2012 and respondent corporation having taken a decision on 29.02.2012 refusing to grant any relief to the petitioner. The only recourse available to the petitioner was for challenging the order dated 29.02.2012.
5. Contention of the petitioner that the said order has not been served upon the petitioner is hard to accept for the reason that even when the contempt petition was disposed of on 30.07.2012 he did not make such a statement. That in the order dated 30.07.2012 mention was specifically made of the representation being decided on 29.02.2012. Even then there seems to be no challenge made on 29.02.2012. In the present writ petition also there is no mention of the order dated 29.02.2012 or a challenge to that order being not made on account of order not being served upon the petitioner.
6. Moreover, the order dated 29.02.2012 also has been made part of return filed by the respondents wayback in the year 2015. A copy has also been served upon the petitioner in the year 2015 itself. Even

then the petitioner has not thought it proper for challenging the order dated 29.02.2012.

7. In view of the same, this Court is of a firm view that unless the order dated 29.02.2012 is not challenged, this Court would find it difficult to entertain the present writ petition in its present form, as no relief at this juncture can be granted in the teeth of the order dated 29.02.2012 already being in operation unless held to be bad in law.
8. In view of the same, this Court does not find any strong case made out by the petitioner calling for an interference at this juncture. However, this Court does not preclude the petitioner from filing any mercy appeal to the competent authority in the department for redressal of her grievance.
9. Reserving the right of the petitioner for the same, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit