



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2020

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.4488 of 2019

and

W.M.P(MD)Nos.3646, 3647 and 3684 of 2019

R.Ramesh

.. Petitioner

Vs.

1.The Chief Regional Manager,
United India Insurance Company,
Regional Office,
No.7, West Veli Street,
Madurai - 625 001.

2.The Designated Authority,
United India Insurance Company,
Regional Office,
No.7, West Veli Street,
Madurai - 625 001.

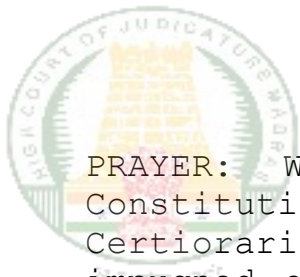
3.Senior Divisional Manager,
United India Insurance Company,
No.39, Gandhi Road,
LIC Divisional Office Building,
Thanjavur - 613 001.

4.Assistant Manager (Own Damages Claims),
United India Insurance Company,
No.39, Gandhi Road,
LIC Divisional Office Building,
Thanjavur - 613 001.

5.Assistant Manager (Third Party Claims),
United India Insurance Company,
No.39, Gandhi Road,
LIC Divisional Office Building,
Thanjavur - 613 001.

6.The Enquiry Officer,
United India Insurance Company,
Divisional Office,
42, Mutt Street,
Kumbakonam - 612 001.

.. Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 30.11.2018 passed by the second respondent (order of cancellation of agency with immediate effect), quashing the same and directing the first respondent to restore the petitioner's insurance agency portal in the Insurance and pass such further or other orders.

For Petitioner : Mr.S.K.Mani
For Respondents : Mr.G.Prabu Rajadurai

ORDER

This writ petition is filed seeking to quash the impugned order passed by the second respondent, dated 30.11.2018, and also to direct the first respondent to restore the petitioner's insurance agency portal.

2.Heard Mr.S.K.Mani, learned counsel appearing for the petitioner and Mr.G.Prabhu Rajadurai, learned counsel appearing for the respondents.

3.According to the petitioner, he was appointed as Agent to the third respondent office on 25.05.2007 through the examination conducted by the Insurance Regulatory and Development Authority (IRDA). This agency is for General Insurance and he has been dealing with the work of obtaining insurance premiums from motor vehicle owners and for other general insurance. The licence was being renewed by the authority for every three years, i.e., on 19.04.2010 and subsequently, on 21.01.2013 and it is covered upto 24.05.2016. On 03.01.2018, the third respondent called and informed him that some anonymous complaints were received against him, by the first respondent and the first respondent forwarded the same to the third respondent to conduct an enquiry. When the petitioner requested the third respondent to furnish the copy of the complaints, the third respondent refused to furnish the same. On 12.02.2018, the third respondent issued a letter to the petitioner stating that the third respondent came to the conclusion that the allegations are proved and also warned the petitioner to restrain himself from such activities, failing which, necessary action will be taken as per the Insurance Act and his portal was also deactivated and an order of suspension was also passed on 15.05.2018. Thereafter, the sixth respondent has been appointed as enquiry officer and without hearing the petitioner, he submitted a report to the third respondent and on 30.11.2018, the first respondent passed the impugned order holding that the charges levelled against him were true and finally, ~~imposed a penalty~~ of cancellation of agency. Against which,



the present writ petition has been filed.

4.The learned counsel for the respondents, drawing the attention of this Court to the counter affidavit filed by the respondents, submitted that if the petitioner is aggrieved by the termination order, he has to file an appeal before the first respondent, under the provisions of the Insurance Regulatory and Development Authority of India Act, 1999 and [IRDA] Appointment of Insurance Agents Regulations, 2016. If any appeal is preferred by the petitioner, the same shall be considered by the first respondent, in accordance with law.

5.The learned counsel for the petitioner submitted that against the impugned order, dated 30.11.2018, passed by the second respondent, the petitioner has also preferred an appeal, dated 22.12.2018, to the Appellate Authority, United India Insurance Company, Regional Office, Madurai - 625 001 and the same has not been considered till date. He has also fairly submitted that the petitioner will make a copy of the appeal preferred by the petitioner, dated 22.12.2018, to the first respondent, within a period of one week.

6.In view of the above submissions made by the learned counsel appearing on either side, the petitioner is directed to submit a copy of the appeal, dated 22.12.2018, to the first respondent within a period of one week from the date of receipt of a copy of this order and on receipt of such appeal, the first respondent shall consider the same and pass appropriate orders on merits and in accordance with law, after affording due opportunity of hearing to the petitioner, if necessary, within a period of four weeks thereafter.

7.With the above directions, this Writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

smn

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hccs.mca.gov.in/services>



To

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+1 CC to M/s.S.K.MANI, Advocate (SR-17195[F] dated 16/09/2020)

+1 CC to M/s.G. PRABHU RAJADURAI, Advocate (SR-17327[F] dated 17/09/2020)

ORDER MADE IN
W.P (MD) No.4488 of 2019
15.09.2020

scr(CO)
TR(18.09.2020) 4P 8C