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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.24998 of 2019 and W.P.No.9470 of 2019

W.M.P.No.24579 in W.P.No.24998 of 2019
W.M.P.No.10064 and 10069, 10075 of 2019 in W.P.No.9470 of 2019

W.P.No.24998 of 2019:

K.Jitendra Kumar

... Petitioner

vs.

1. Life Insurance Corporation of India,
rep. by its Senior Divisional Manager,
Divisional Office,
India Life Building,
P.B.No.3810, Trichy Road,
Coimbatore - 641 018.

2. The Branch Manager,
Life Insurance Corporation of India,
Sivagiri Branch,
11, Hospital Road,
Sivagiri - 638 109,
Erode District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondents to unblock the Petitioner's Agency Portal which has been suspended from September 2018 and also disburse his renewal commission payable from the premium paid by 750 policy holders from the month of September 2018, towards his Agency Code No.0033476J, by considering his representation dated 16.07.2019.

For Petitioner : Mr.N.Manoharan

For Respondents : Mr.C.K.Chandrasekhar



W.P.No.9470 of 2019:

K.Jitendra Kumar

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... Petitioner

vs.

1. The Senior Divisional Manager,
(Disciplinary Authority),
Divisional Office,
India Life Building,
P.B.No.3810, Trichy Road,
Coimbatore.

2. The Enquiry Officer/Administrative Officer,
LIC of India,
India Life Building,
P.B.No.3810, Trichy Road,
Coimbatore.

3. The Branch Manager,
LIC of India,
Sivagiri Branch,
Sivagiri, Erode District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Enquiry Report dated 25.05.2018 passed by the 2nd Respondent herein and to quash the same and direct the 1st Respondent to restore the Agent's status by accepting the proposals.

For Petitioner : Mr.T.Padmanabhan

For Respondents : Mr.C.K.Chandrasekhar

COMMON ORDER

Petitioner has come up with W.P.No.24998 of 2019 seeking a direction to the Respondents to unblock his Agency Portal which has been suspended from September 2018 and also disburse his renewal commission payable from the premium paid by 750 policy holders from the month of September 2018, towards his Agency Code No.0033476J, by considering his representation dated 16.07.2019. W.P.No.9470 of 2019 has been challenging the impugned Enquiry Report dated 25.05.2018 passed by the 2nd Respondent herein and for a direction to the 1st Respondent to



restore the Agent's status by accepting the proposals. Both the writ petitions are listed today for hearing.

2. Learned counsel for the Petitioner submitted that, when the Petitioner was serving as an LIC Agent at Sivagiri Branch, Coimbatore Division, there was an allegation against him that, he mishandled LIC premium amount and an enquiry was conducted in that regard. The Enquiry Report was submitted on 25.05.2018. W.P.No.9470 of 2019 was filed to provide the Enquiry Report while W.P. No.24998/19 was filed seeking relief of unblocking of the agency portal of the petitioner. However, pending the said writ petitions, proceedings against the petitioner resulted in the culmination of penalty and challenging the said penalty, the petitioner has filed W.P.No.34046 of 2019 with prayer to quash the penalty advice. It is therefore submitted by the learned counsel for the petitioner that the present writ petitions have become infructuous as nothing survives for consideration and the petitioner may be permitted to agitate his rights and canvass all the points in W.P. No.34046/19.

3. Heard the learned counsel for the Petitioner and perused the material documents available on record.

4. In view of the fact that penalty has been imposed on the petitioner which is the subject matter of W.P.No.34046 of 2019, nothing survives for adjudication in W.P.Nos.24998 and 9470 of 2019 and accordingly, both Writ Petitions are closed. The petitioner is granted liberty to agitate his rights and canvass all the points in W.P. No.34046/19. No costs. Consequently, connected W.M.P.No.24579 of 2019 in W.P.No.24998 of 2019 and W.M.P.Nos.10064, 10069 and 10075 of 2019 in W.P.No.9470 of 2019 are closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

(aeb)

To:

1. The Senior Divisional Manager,
(Disciplinary Authority),
Divisional Office,
India Life Building,
P.B.No.3810, Trichy Road,
Coimbatore.



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2. The Enquiry Officer/Administrative Officer,
LIC of India,
India Life Building,
P.B.No.3810, Trichy Road,
Coimbatore.

3. The Branch Manager,
Life Insurance Corporation of India,
Sivagiri Branch,
11, Hospital Road,
Sivagiri - 638 109,
Erode District.

4. The Senior Divisional Manager,
Life Insurance Corporation of India,
Divisional Office,
India Life Building,
P.B.No.3810, Trichy Road,
Coimbatore - 641 018.

+1cc to Mr.C.K.Chandra Sekkar, Advocate Sr.59102

+1cc to Mr.N.Manokaran, Advocate Sr.59372

W.P.No.24998 of 2019
and
W.P.No.9470 of 2019

ss[co]
srg 03/12/2021