



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P (MD)No.6029 of 2011

S. RAVINDRAN

... PETITIONER

VS

1 LIFE INSURANCE CORPORATION OF INDIA,
REP. BY THE CHAIRMAN,
MUMBAI.

2 THE ZONAL MANAGER,
LIFE INSURANCE CORPORATION OF INDIA,
ANNA SALAI, CHENNAI-2.

3 THE SENIOR DIVISIONAL MANAGER,
LIFE INSURANCE CORPORATION OF INDIA,
DIVISIONAL OFFICE,
JEEVAN PRAKASH BRIDGE STATION ROAD,
SELLORE, MADURAI-625 002.

4 THE DIVISIONAL MANAGER,
LIFE INSURANCE CORPORATION OF INDIA,
DIVISIONAL OFFICE,
JEEVAN PRAKASH BRIDGE STATION ROAD,
SELLORE,
MADURAI-625 002.

... RESPONDENTS

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorarified Mandamus, to call for the records on the file of the respondents 3 and 4 in connection with the orders passed by them in Ref: Sales/Appraisals/SP dated 03/10/98 and Ref: Sales/Appraisal/SP dated 16/06/1999 and Ref: Sales/Appraisal/SP dated 08/10/1999, respectively, and quash the same and direct the respondents to pay the 80% cut in Conveyance Allowance, Increment and the amount withheld by way of decrement on the basis of the orders dated 03/10/98, 16/09/99 and 08/10/99 passed by the 3rd respondent by striking down Rule 7 of the Life Insurance Corporation of India Development Officers (Revision of Certain Terms and Conditions of Service) Rules, 2009 as unconstitutional and ultra vires.

For Petitioner : Mr.D.Selvanayagam

For Respondents : Mr.S.Karthik
for M/s.Profexs Associates



ORDER

This writ petition is filed seeking a writ of Certiorarified Mandamus, to quash the orders dated 03.10.1998, 16.09.1999 and 08.10.1999 passed by the third and fourth respondents and further direct the respondents to pay the 80% cut in Conveyance Allowance, Increment and the amount withheld by way of decrement.

2. The case of the petitioner is that the petitioner was appointed to the post of Development Officer by direct recruitment on merits and joined service on 26.05.1992 and subsequently confirmed on 01.06.1993 from the date of initial appointment. While so, the petitioner was charge sheeted and awarded the punishment of reduction of basic pay by two stages in the time scale applicable to his cadre under Regulation 39(i)(d) of the LIC of India (Staff) Regulations, 1960, by an order dated 27.06.2008. The petitioner's statutory appeal against the said order also was dismissed on 02.05.2009. Likewise, the petitioner was awarded with three punishments by orders dated 03.10.1998, 16.09.1999 and 08.10.1999 in view of the Rule of the LIC of India Development Officers (Revision of Certain Terms and Conditions Service), Rules, 1989. Though the respondent filed a counter stating that the cut in allowance is strictly for one year and 80% cut in the conveyance for the particular year, however, the reduction of basic pay and other punishments was continued after the lapse of nearly 12 years and the punishment imposed in view of the earlier Rule and subsequently the said is modified. Hence, in view of the modification of the said Rule, the petitioner made a representation on 06.01.2011 for reconsideration of the earlier punishment, which is still pending. Hence, the petitioner approached this Court by filing this writ petition.

3. The learned counsel for the petitioner would submit that since the representation was made in the year 2011 before the authorities, if this Court permits the petitioner to make a fresh representation in accordance with law and as per the amended Rule, within a period of two weeks and thereafter, a direction may be issued to the respondents to consider the same and pass appropriate orders within a reasonable time fixed by this Court, would meet the ends of justice.

4. Heard the contentions advanced by the learned counsel on either side and perused the materials available on record.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to



dereliction of duty and hence this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

6. In the light of the above observations, it would be appropriate to direct the respondents herein to consider the petitioner's representation, within a stipulated time and thereby the ends of justice could be secured. It is made clear that this Court has not expressed any of its view with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

7. Accordingly, there shall be a direction to the petitioner to send a fresh representation within a period of two weeks from the date of receipt of a copy of this order and on such representation, the concerned respondent shall consider the same, on its own merits and pass appropriate orders in accordance with law, within a period of twelve weeks thereafter.

8. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

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.

To

THE CHAIRMAN, LIFE INSURANCE CORPORATION OF INDIA,
MUMBAI.

+1 CC to M/s.D.SELVANAYAGAM, Advocate (SR-3030[F] dated
03/02/2021)

W.P(MD)No.6029 of 2011

01.02.2021

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