

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3824 of 2018

Amrendra Kumar Ojha S/o- Late Hariganesh Ojha, Resident of A/51, Sachiwalaya Colony, P.O.- Lohianagar, P.S.- Kankarbagh, Patna- 800020 working as a Stenographer, Life Insurance Corporation of India, posted at Sales Training Centre, Jeevan Prakash Building, Fraser Road, Patna- 800001.

... .. Petitioner/s

Versus

1. The Life Insurance Corporation Of India, Through Its Chairman, Life Insurance Corporation Of India, Central Office, “Yogakshema”, Jeevan Bima Marg, Mumbai-400021.
2. The Chairman, Life Insurance Corporation of India, through its Chairman, Life Insurance Corporation Of India, Central Office, “Yogakshema”, Jeevan Bima Marg, Mumbai-400021.
3. The Zonal Manager, Life Insurance Corporation of India, East Central Zone, 'Jeevan Deep' (5th Floor), Exhibition Road, Patna:800001.
4. The Sr. Divisional Manager, Life Insurance Corporation of India, Patna Divisional Office- 1, 'Jeevan Prakash’, Fraser Road, Patna-800001.
5. The Manager (P&IR), Life Insurance Corporation of India, Patna Divisional Office- 1, 'Jeevan Prakash’ Fraser Road, Patna-800001.
6. The then Manager CRM Enquiry Officer, vide Charge Sheet dated- 29.09.2014, Life Insurance Corporation of India, Patna Divisional Office-1, “Jeevan Prakash”, Fraser Road, Patna-800001.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Amrendra Kumar Ojha (In person)
For the Respondent/s	:	Mr. Rajni Kant Singh, Advocate Mr. Abhimanyu Vatsa, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 18-12-2023

Heard petitioner-in-person and learned counsel
for the Life Insurance Corporation of India.

2. Petitioner-in-person submits that he is
admittedly a workman under Life Insurance Corporation, who is
a body corporate constituted under the Life Insurance



Corporation Act, 1956. He relied on a judgment decided on 02.03.2016 by this Hon'ble Court passed in **L.P.A. No.1340 of 2014 (A.K. Ojha Vs. Life Insurance Corporation of India)**, whose paragraphs 24, 25 and 26 are very much relevant for the present case, which reads as under:-

“24. In view thereof, the conditions of service of the workman are governed by the rules framed under the Statute. The jurisdiction of the Civil Court or the Industrial Tribunal under the Act has not been barred either expressly or implied by the L.I.C. Act as amended. Therefore, there is no bar for the workman to seek redressal from the Industrial Tribunal. Thus, he can invoke the jurisdiction of the Labour Court since right has been created in favour of the workman in terms of Section 2(k) and 2(a) of the Act.

25. Section 48 of the L.I.C. Act confers power on the Central Government to make rules including the rules relating to terms and conditions of service of the employees and agents of the Corporation including those who became employees and agents of the Corporation on the appointed day under this Act but the power to fix the terms



and conditions of the employees is not and cannot oust the jurisdiction of the Civil Court. The Act does not provide for any machinery for adjudication of disputes under the Act. Therefore, the Civil Court will have jurisdiction to entertain a suit filed by an employee against his wrongful termination or wrongful action by the Corporation. Since the Act provides another right to the workman, therefore, the rights of a workman cannot be barred in view of the rule making authority under Section 48 of the L.I.C. Act. The applicability of the Act cannot be barred by a rule making authority. The provisions of the Act can be barred only by a Statute and the Statute (L.I.C. Act as amended) does not provide for barring of the jurisdiction of either of the Civil Court or of the Industrial Tribunal-cum-Labour Court.

26. In view thereof, we find that the order passed by the learned Single Bench is not sustainable in law. Consequently, the Letters Patent Appeal is allowed, the order passed by the learned Single Bench is set aside and the matter is remitted back to the Industrial Tribunal for adjudication of disputes in accordance with law.”



3. In this background, both the parties are directed to appear before the Industrial Tribunal for adjudication of dispute within one month from today and the Industrial Tribunal-cum-Labour Court, Patna, Bihar, is directed to expedite the matter and decide this case as early as possible preferably within one year. It is also directed to both the parties that they shall avoid unnecessary adjournments.

4. With this direction, the writ petition is disposed of.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.12.2023
Transmission Date	NA

