

17
08.08.2023
D.Hira/Sayandeep
Court No. 12

**In The High Court At Calcutta
Civil Appellate Jurisdiction
Appellate Side**

FMA 1494 of 2015

**Sanatan Mondal
Versus
Life Insurance Corporation of India & Ors.**

**Mr. Debarshi Das.
... for the appellant**

The appellant was working as Class-II Development Officer in Life Insurance Corporation of India.

By the order dated 16th February, 2015, his services were terminated. The appellant filed the writ petition being W.P. No. 4138 (W) of 2015 challenging the said termination.

According to the appellant, the order of termination is bad for the lack of jurisdiction as well as violation of principles of natural justice. Mr. Das, learned counsel appearing for the appellant contended that Life Insurance Corporation of India (Staff) Regulations, 1960 and Life Insurance Corporation of India Development Officers (Revision of Certain Terms and Conditions of Service) Rules, 1989 are not applicable to the appellant.

Learned Judge dismissed without entertaining the writ petition on the grounds that as per the Life Insurance Corporation of India (Staff) Regulations, 1960 and Life Insurance Corporation of India Development Officers (Revision of Certain Terms and Conditions of Service) Rules, 1989, the appellant has alternative efficacious remedy of appeal.

Against the said order the appellant has come out with the present appeal.

Mr. Das, learned counsel for the appellant contended that the learned Judge failed to take into consideration the order of stay granted by the Division Bench of this Court in the identical matters in A.S.T. 286 of 2014 with A.S.T.A. 218 of 2014 and M.A.T. 886 of 2014 with CAN 5208 of 2014 and A.S.T. 371 of 2014 with A.S.T.A. 269 of 2014 for similarly placed persons.

The learned Judge ought to have decided the issue on merits considering all the materials placed before him. Due to lack of jurisdiction and violation of principles of natural justice, the appellant is entitled to invoke the writ jurisdiction.

No representation for the respondents.

Heard Mr. Debarshi Das, learned counsel appearing for the appellant.

From the materials on record, it is seen that appellant was appointed as Development Officer by the respondent no. 1. Due to poor performance his

service was terminated while challenging the order of termination.

The appellant contended that Life Insurance Corporation of India (Staff) Regulations, 1960 and Life Insurance Corporation of India Development Officers (Revision of Certain Terms and Conditions of Service) Rules, 1989 are not applicable to the case of the appellant.

The said contention is not acceptable in view of the fact that the learned Judge taking note of the confirmation order of the appellant wherein it has been mentioned that appellant's service is governed by the said rules, held that writ petition is not maintainable in view of the alternative remedy is available.

From the rules, it is seen an appeal is provided to the Managing Director against the order of termination. Aggrieved employees are given three months time to file appeal before the Managing Director and provision is also made for extension of time.

The contention of the learned counsel for the appellant that in view of lack of jurisdiction and violation of principles of natural justice the writ petition is maintainable.

From the impugned order of the learned Judge it is seen the learned Judge considered the rules and contention of the learned counsel for the appellant and rejected the same holding that the

appellant is entitled to raise the issue only in the appeal.

There is no error in the order of the learned Judge warranting interference by this Court.

The appeal fails and dismissed.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(V.M. Velumani, J.)

(Rai Chattopadhyay, J.)