

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2468 of 2022

Vinay Krishna (Ex-L.I.C. Agent) son of Pradyuman Prasad, resident of Ward No. 22, Behind Teachers' Quarter, near Emmanuel School, P.S. Motihari, District-East Champaran.

... .. Petitioner/s

Versus

1. The Life Insurance Corporation of India through the Chairman, Yogakshema, Jeevan Bima Marg, Post Box No.19953, Mumbai-400021.
2. The Zonal Manager, East Central Zone, L.I.C. of India, Jeevan Deep Building, Exhibition Road, Patna.
3. Senior Divisional Manager, L.I.C. of India, Muzaffarpur Division, Jeewan Prakash, Muzaffarpur.
4. Senior Branch Manager, L.I.C. of India, Motihari Branch Office, Muzaffarpur Division, Muzaffarpur.
5. Sri Diwakar Jha, Enquiry Officer, L.I.C. of India, Jeewan Prakash, Divisional Office, Muzaffarpur, Bihar.
6. Sri Umesh Chandra Tiwari (the then Chief Manager of Motihari Branch, L.I.C. of India), presently Faculty Member, L.I.C. of India, STC (Sales Training Center), Bareilly (U.P.).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rashmi Jha
For the Respondent/s : Mr.Ramchandra Lal Das

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL JUDGMENT

Date : 27-06-2024

Heard the learned counsel for the parties.

The present writ petition has been filed for the following

reliefs:-

"1. That the present writ petition is being filed for issuance of appropriate writ/writs, order or direction to the respondent authorities, particularly in the nature of Certiorari for quashing the order dated 29.10.2019 passed by the Disciplinary Authority, senior Divisional Manager, L.I.C. of India, Muzaffarpur Division, whereby and whereunder the agency of the petitioner was



terminated with forfeiture of renewal commission, payable to him under Rule 19(1) of L.I.C. of India Agent Regulation, 2017 with immediate effect which was upheld by the Appellate Authority, Zonal Manager, East Central Zone, L.I.C. of India, Patna vide order dated 28.12.2020 and modified partially by the Chairperson, L.I.C. of India, Mumbai vide order dated 08.11.2021 from Termination of Agency with forfeiture of Renewal Commission' to Termination of Agency' only.

And for further directing the respondent authorities to reinstate agency of the petitioner as there is no financial misconduct on the part of the petitioner which is also evident from the order dated 08.11.2021 passed by the Chairperson, L.I.C. of India, Mumbai. And for any other relief/reliefs for which the petitioner is found to be entitled in the facts and circumstances of this case.”

3. Learned counsel for the petitioner has stated that the petitioner was appointed as an agent of the respondent-Corporation in the year 1994 and since then he has been discharging his duties as an agent by catering to the needs of the policy holders without any complaint. That some staff members of the Corporation who were having grudge against the petitioner have filed false complaints against the petitioner and the disciplinary authority without taking into consideration the explanation submitted by the petitioner and the evidence given by some of the policy holders who have supported the petitioner has imposed the penalty of termination with the forfeiture of renewal commission.

4. That though the petitioner has preferred an appeal before the appellate authority, the appeal was dismissed upholding



the order of termination. Thereafter, the petitioner has approached the Chairperson by way of memorial. That the Hon'ble Chairperson vide order dated 08.11.2021 on finding that there is no financial misconduct by the petitioner has reduced the order of "punishment of termination with forfeiture of renewal commission" to that of "termination of the agency" only. Learned counsel for the petitioner has stated that all the three authorities have dealt with the proceedings in a cursory and mechanical manner without adverting to the explanation submitted by the petitioner and the testimonies of the policy holders who have supported the case of the petitioner. Further, learned counsel has stated that though the allegations of misconduct has been alleged against the petitioner, the CCTV footage was not presented before the authorities to establish any wrong doing. That in the absence of any CCTV footage to buttress the case of the respondents, the disciplinary authority ought not to have passed the order of termination merely on oral testimonies. Further, learned counsel has stated that in case a direction is issued to the authorities to verify the CCTV footage, the truth will come out and there is every likelihood of the petitioner getting exonerated of the charges levelled against him. That the allegations made against the petitioner are concocted only with the view to terminate the



agency of the petitioner. Learned counsel has therefore, prayed this Hon'ble Court to set aside the impugned orders by allowing the present CWJC.

5. *Per contra*, the learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the present writ petition and stated that all the three authorities after due verification of the evidence against the petitioner have come to the conclusion that the petitioner's conduct was inappropriate and that he has misbehaved with his female colleagues. That the disciplinary authority had to pass the order of termination with forfeiture of renewal commission basing on the serious allegations of misconduct which were proved in the enquiry. Learned counsel has drawn the attention of the Court to the charges levelled against the petitioner and also the evidence wherein the petitioner has himself accepted that he had misbehaved with the female colleagues. Further, learned counsel has also stated that the CCTV footage was not available as cameras were not working but the evidence of the persons who were present at the time of the incidents clearly establishes the fact that the conduct of the petitioner was not proper. That the punishment which has been imposed by the disciplinary authority does not call for any interference by this Hon'ble Court. Learned



counsel for the respondents has relied on the judgments of this Hon'ble Court passed in LPA No. 1068 of 2010 along with analogous cases dated 30.06.2011 and also LPA No. 78 of 2018 dated 27.09.2019 to buttress his case. Learned counsel has therefore, prayed this Hon'ble Court to dismiss the present writ petition.

6. A perusal of the orders passed by the disciplinary authority, the appellate authority as well as the memorial filed before the Chairperson reveal that the allegations against the petitioner are serious in nature. All the three authorities have consistently held that the conduct of the petitioner was not proper and that he had misbehaved with some of the female colleagues who were working at one of the branches. Further, it is to be noted that the petitioner in his deposition before the disciplinary authority has admitted that he has misbehaved with the female colleagues. The said admission made by the petitioner is extracted below;

“PO- I came to explanation dt. 25.04.2019., in which various dates are mentioned for various charges i.e. 21.05.10, 06.07.16, 21 and 22.05.18 and 14.03.19 for which explanation was sought. The CSA in his reply dt. 28.04.19, he mentioned the incident dt. 21.05.10 and 06.07.16, in which he requested for cooler and fan repair and disposal of policy holder's job, but as per his letter dt. 05.06.10(p3) he admitted his indiscipline and misbehaviour with Mrs. Manisha and Mr. Deepak Kr;



in which they wounded. Later you repent on your action and promised not to repeat the same.

EO to CSA- Your comment to the above point.

CSA- I did not misbehaved intentionally with Mrs. Manisha or Me Deepak. It occurred in course of heated exchange.

PO- But he himself admitted that he had done it, and thus created a scene in the public office.”

7. Further, it is to be noted that the misbehaviour of the petitioner is not an isolated incident but series of incidents which has taken place during the period of agency. Irrespective of the fact, whether the petitioner is working as an employee or as an agent, he is expected to maintain the discipline and decorum of the office where he is working. A reading of the orders passed by the disciplinary authority, the appellate authority as well as the memorial reveal that the conduct of the petitioner has not been up to the mark and that he has a habit of misbehaving with his colleagues on several occasions and fighting with them, creating ruckus etc. This High Court in LPA No. 1068 of 2010 along with analogous cases dated 30.06.2011 has held as under;

“The primary questions are three-fold, namely, an agent should be afforded reasonable opportunity within the meaning of regulation-16, and the court should be convinced that the authorities are not engaging themselves in act of arbitrariness, and the order against the agent is in writing and has been communicated to the agent. We are convinced on the three counts and hold in favour of the appellants.”



8. And in LPA No. 78 of 2018 dated 27.09.2019, this Court has held as under;

10. We have also given our anxious consideration to the contents of the Life Insurance Corporation of India (Agents) Regulations, 1972. Section 16 of the Rules referred to above which deals with termination of agency for certain lapses provides that every order of termination made under the Section shall be in writing and communicated to the agent concerned and that it can be terminated by the competent authority at any time by giving him one month's notice thereof in writing. After the expiry of the period of notice, the agency would stand terminated. Nowhere in the aforesaid process, as set out under Section 16 of the regulation any provision has been made for putting any agent to a detailed proceeding for terminating the agency. In the present case, we find that the notice as required under the Rules has been served upon the respondent. He has also been apprised of the reason for which he was issued a show-cause notice. Only after a senior officer of the appellant/ Corporation found the explanation of the respondent to be non-acceptable, his Agency Code was terminated, but without any further stipulation regarding payment of premium to him after the termination of such Agency Code. The order of termination of the agency was affirmed by the Appellate Authority which had the approval of the Chairman of the appellant/Corporation.

9. In this particular case also the authorities have followed the procedure contemplated under the rules and have given ample opportunity to the petitioner. Having regard to the fact



that all the three authorities have held in unequivocal terms that the petitioner’s conduct was not proper and reprehensible, this Court under Article 226 of the Constitution of India cannot interfere with the said orders and set aside the findings of the fact arrived at by the authority. Further, it is not the case of the petitioner that there were any procedural lapses committed by the authorities which would had called for any interference by this Court. In the absence of any such complaint, the prayer sought for in the present writ petition cannot be entertained and the present writ petition is dismissed accordingly.

(A. Abhishek Reddy, J)

Ayush/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.07.2024.
Transmission Date	NA

