



WEB COPY

WP No.11015 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05-02-2024

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THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

WP No.11015 of 2021

And

WMP Nos.11667 of 2021 and 2217 of 2024

1.Life Insurance Corporation of India,
Represented by its Senior Divisional Manager,
Legal and HPF Department,
Divisional Office,
Coimbatore.

2.The Branch Manager,
Life Insurance Corporation of India,
Obli Towers, D.B.Road,
R.S.Puram,
Coimbatore-641 018.

.. Petitioners

-VS-

1.Vellore District Legal Services Authority,
Vellore Represented by the Additional
District Munsiff,
Vellore District.



2.M.P.Sobha

3.K.Kalpana Devi

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating to the Award dated 19.07.2019 made by the first respondent in LAC No.92 of 2019 (O.S.No.208 of 2015 on the file of the Additional District Munsiff, Vellore) and quash the same as being illegal, erroneous and unconstitutional.

For Petitioners	:	Mr.C.K.Chandrasekhar
For Respondent-1	:	Legal Services Authority
For Respondent-2	:	Ms.R.K.Sakina Reshma
For Respondent-3	:	No Appearance

ORDER

The Lok Adalat Award dated 19.07.2019 made by the first respondent in LAC No.92 of 2019 (O.S.No.208 of 2015 on the file of the



Additional District Munsiff, Vellore) is sought to be quashed in the present writ proceedings.

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2. The Life Insurance Corporation of India is the writ petitioners herein. The second respondent Smt.M.P.Sobha got married with late K.Vijayakumar, who joined the services of the Life Insurance Corporation of India as Typist on 29.12.1993 and his services were confirmed on 30.06.1994.

3. It is not in dispute that the husband of the second respondent was a permanent employee of the Life Insurance Corporation of India. The third respondent Smt.K.Kalpna Devi, admittedly, the sister of the deceased employee Mr.K.Vijayakumar.

4. Unfortunately, the husband of the second respondent late Mr.K.Vijayakumar died due to illness, while he was in service. The deceased employee nominated the name of his mother Smt.Dhanalakshmi, who is also no more.



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5. Ms.R.K.Sekina Reshma, learned counsel for the second respondent would submit that the second respondent married the deceased employee Mr.K.Vijayakumar on 19.06.2011. Due to misunderstanding, she has filed a divorce petition, which was pending at the time of death of her husband. After the death Mr.K.Vijayakumar, the second respondent withdrew the divorce petition and therefore, she continue to be the legally wedded wife of the deceased employee late Mr.K.Vijayakumar.

6. Mr.C.K.Chandrasekhar, learned counsel for the petitioners would submit that the Lok Adalat passed an Award in the absence of the writ petitioners and without obtaining any signature from the Competent Authorities of the Life Insurance Corporation of India. Thus the Award, *per se* void and liable to be set aside.

7. Perusal of the Award impugned would reveal that the second respondent Smt.M.P.Sobha and the third respondent Smt.K.Kalpana Devi and their respective counsels signed the Award. But the Life Insurance Corporation of India, the petitioners herein, had not participated in the



Award proceedings.

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8. Any Award proceedings under the Legal Services Authority Act, is to be passed only by issuing notice to all the parties concerned and by obtaining consent/signature from them, at the time of passing the Award.

9. In the present case, admittedly, the writ petitioners are not parties to the Lok Adalat Award, which is impugned in the present writ petition and thus, it is not binding on them.

10. The Presiding Officer and Members of the Lok Adalat, in all circumstances shall ensure that all the parties to the litigation participate in the Award proceedings and their signatures are obtained. No Award can be passed behind the back of any party and more-so, an acceptance/ compromise between the parties is essential for the purpose of settling the issues through Lok Adalat. Under the provisions of the Legal Services Authority Act, compromise/settlement can be arrived only by way of consent and with the acceptance of all the parties concerned. Therefore, the present Award is infirm. Accordingly, the impugned Lok Adalat Award passed in



LAC No.92 of 2019 dated 19.07.2019 is quashed.

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11. The second respondent Smt.M.P.Sobha states that she is presently unemployed and earlier she was working as Typist in Judicial Department as Rule 10(a)(1) employee. The second respondent is the legally wedded wife of the deceased employee Mr.K.Vijayakumar on the date of his death. Thus the second respondent is entitled for the terminal and pensionary benefits due to the deceased employee Mr.K.Vijayakumar.

12. In view of the facts and circumstances, the writ petitioner-Life Insurance Corporation of India is directed to settle all the terminal and pensionary benefits due to the deceased employee Mr.K.Vijayakumar in favour of the second respondent Smt.M.P.Sobha as per eligibility and in accordance with the Rules, within a period of eight weeks from the date of receipt of a copy of this order. The second respondent Smt.M.P.Sobha is at liberty to submit an application for compassionate appointment in the prescribed format. On receipt of any such application, the petitioner-Life Insurance Corporation of India shall consider the same in accordance with the Scheme of Compassionate appointment in force.



13. With the above directions, the present writ petition stands allowed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

05-02-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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To

- 1.Senior Divisional Manager,
Life Insurance Corporation of India,
Legal and HPF Department,
Divisional Office,
Coimbatore.
- 2.The Branch Manager,
Life Insurance Corporation of India,
Obli Towers, D.B.Road,
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- 1.The Additional District Munsiff,
Vellore District Legal Services Authority,
Vellore
Vellore District.



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S.M.SUBRAMANIAM, J.

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