



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 06-02-2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM**

**WP No.20122 of 2021**

A.P.Suresh Kumar

.. Petitioner

-VS-

1.The Chairman,  
LIC of India,  
Central Office,  
Yogakshema,  
Jeevan Bima Marg,  
Nariman Point,  
Mumbai-400 021.

2.The Managing Director,  
LIC of India,  
Central Office,  
Yogakshema,  
Jeevan Bima Marg,  
Nariman Point,  
Mumbai-400 021.



3. The Zonal Manager,  
LIC of India,  
Anna Salai,  
Chennai.

4. The Senior Divisional Manager,  
LIC of India,  
Divisional Office,  
Trichy Road,  
Coimbatore.

5. The Chief Manager,  
LIC of India,  
Jammahai Street,  
Tiruppur-641 604.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 4 and 5 to pay the lawful commission payable to the petitioner on the Life Insurance Policies procured by the petitioner in Tiruvannamalai Division from 15.03.2006 to 15.03.2014.

For Petitioner : Mr.S.Kaithamalai Kumaran

For Respondents : Mr.K.Elumalai for  
Mr.C.K.Chandrasekhar.



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## **ORDER**

The relief sought for in the present writ petition is to direct the respondents 4 and 5 to pay the lawful commission payable to the petitioner on the Life Insurance Policies procured by the petitioner in Tiruvannamalai Division from 15.03.2006 to 15.03.2014.

2. The petitioner took an Agency in Life Insurance Corporation of India under Code No.04821732 at Tiruvannamalai Branch, Vellore Division on 15.03.2006. The said Agency was in force till 15.03.2014. The petitioner canvassed and secured more than 550 policies.

3. Admittedly, the petitioner was terminated, at request, from the Agency at Tiruvannamalai town and settled at Tiruppur. At Tiruppur, the petitioner took a fresh Agency by submitting an application. Accordingly, the fifth respondent appointed the petitioner as an Agent at Tiruppur on 01.04.2017.



4. Mr.S.Kaithamalai Kumaran, learned counsel for the petitioner, would submit that the commission, which was being received by the petitioner at Tiruvannamalai Division was stopped and the claim made by the petitioner in this regard was rejected. The petitioner was terminated, at request, from the Agency at Tiruppur also on 15.12.2017. Therefore, the petitioner is entitled to receive commission for the Insurance Policies procured by him at Tiruvannamalai Division.

5. Mr.Elumalai, learned counsel, appearing on behalf of the respondent-Life Insurance Corporation of India, would oppose the said contentions raised on behalf of the petitioner by stating that the petitioner, admittedly, was terminated at request from the Agency at Tiruvannamalai Division on 15.03.2014 and thereafter, he was appointed as a fresh agent at Tiruppur on 01.04.2017. As per the Life Insurance Corporation of India (Agents) Regulations, 2017, the petitioner is not entitled for commission under any business completed under the old Agency.



6. Regulation 7 (2) of the Life Insurance Corporation of India (Agents) Regulations, 2017, stipulates that "re-appointment for all practical purposes shall be considered as fresh appointment and the Agent will not be liable for commission under any business completed under the old Agency".

7. Though the learned counsel for the petitioner would submit that the petitioner was not aware of the particular provisions in the Agent's Regulations, ignorance of the Regulation is not a ground to seek the benefit of commission and the petitioner continued as an Agent from 2006 to 2014 in the Life Insurance Corporation of India and therefore, he is not expected to plead any such ignorance of Agent's Regulations.

8. As per Regulations, the petitioner is not entitled to claim commission, since his Agency was terminated by the Life Insurance Corporation of India at the request of the petitioner with effect from 15.03.2014. Thus the petitioner is not entitled for the relief as such sought for in the present writ petition.



9. Accordingly, the present writ petition stands dismissed.

However, there shall be no order as to costs.

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Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

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**S.M.SUBRAMANIAM, J.**



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