



W.P.(MD)No.3993 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2024

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THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.3993 of 2017

and

W.M.P.(MD)No.3181 of 2017

G.Balasubramanian

: Petitioner

Vs.

1.The LIC of India,

Rep. by the Chairman,

Central Office, Yog Jeevan Bima Marg,

Mumbai – 400 021.

2.The Zonal Manager,

LIC of India,

Southern Zonal Office, LIC Building,

153, Anna Salai,

Chennai – 2.

3.The Senior Divisional Manager,

LIC of India,

Divisional Office, 9-A, Punithavathiar Street,

Palayamkottai,

Tiruneveli – 627 002.

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent in connection with the order passed by him in his proceedings Mktg./D1 dated 31.01.2017 and dated 01.03.2017 and quash the same and consequently reinstate into service with all monetary benefits by holding that the interpretation of the Rules 7 of the Life Insurance Corporation of India Development Officer (Revision of Certain Terms and Conditions of Service) Amendment Rules, 2016 notified by the respondents 1 and 2 as Unconstitutional and ultravires.

For Petitioner : Mr.B.Sathesh Kumar
for Mr.G.Thalaimutharasu
For Respondents : Mr.Vinoharan
for M/s.G.Prabhu Rajadurai

ORDER

This Writ Petition has been filed challenging the termination order passed by the second respondent dated 31.01.2017, terminating the services of the petitioner.

2.The petitioner was a Development Officer with the respondent Corporation and he has been terminated from service under the impugned order. The petitioner has challenged the impugned order on the ground of violation of principles of natural



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justice. However, the same has been refuted by the respondents as seen from the counter affidavit filed by them before this Court. According to them only as per the 'Life Insurance Corporation of India Development Officers [Revision of Certain Terms and Conditions of Service] Rules, 2009' [hereinafter 'said Rules' for the sake of brevity], enquiry was conducted and opportunity was granted to the petitioner and only thereafter, the impugned termination order came to be passed.

3. Learned Standing Counsel for the respondents also drew the attention of this Court to the relevant clauses in the said Rules, to point out that only in accordance with the said Rules, by following the due procedure, the petitioner has been terminated from service under the impugned order. He would also submit that despite the fact that there is an appellate remedy available under the Rules, the petitioner has filed this Writ Petition which is not maintainable.

4. Learned Counsel for the petitioner after hearing the submissions of the learned Standing Counsel appearing for the respondent Corporation would now submit on instructions that the petitioner is prepared to file an appeal before the competent authority as prescribed under the said Rules, if sufficient time is granted to the petitioner to file the same. Learned Standing Counsel



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appearing for the respondent Corporation has also not raised any serious objection for such a liberty being granted to the petitioner.

5.For the foregoing reasons, no prejudice will be caused to the respondents, if liberty is granted to the petitioner to file an appeal if aggrieved by the impugned order passed by the respondents.

6.In the result, this writ petition is disposed of, by granting liberty to the petitioner to file an appeal if aggrieved by the order dated 01.03.2017 passed by the second respondent before the first respondent within a period of one [1] week from the date of receipt of a copy of this order. On receipt of the said appeal, the first respondent shall pass final orders on merits and in accordance with law within a period of twelve [12] weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

28.08.2024

Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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ABDUL QUDDHOSE, J.

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