



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

212

CWP-12070-2018 (O&M)  
Date of decision: 21.08.2024

Dashrath Tanwar

...Petitioner

VERSUS

Life Insurance Corporation of India and others

...Respondents

212-A

CWP-18861-2018 (O&M)  
Date of decision: 21.08.2024

Preeti Tanwar

...Petitioner

VERSUS

Life Insurance Corporation of India and others

...Respondents

**CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present :- Mr. A.K. Jain, Advocate for the petitioner(s).

Mr. Prateek Mahajan, Advocate and  
Mr. Daanish Mahajan, Advocate for the respondents-LIC.

\*\*\*\*\*

**VINOD S. BHARDWAJ, J. (Oral)**

Both these writ petitions involving identical disputes are being decided by this common order. Facts are however, being extracted from CWP-12070-2018 titled as 'Dashrath Tanwar Vs. Life Insurance Corporation of India and others'.

Prayer in the present petition is for setting aside the impugned order/letter dated 31.08.2015 whereby the commission payable to the petitioner under the Regulation 10 of the Life Insurance Corporation of India



(Agents) Regulations, 1972 has been withheld since August, 2015.

Written statement on behalf of the respondents had been filed in April, 2019 wherein it was specifically averred in Para Nos.8 and 10 as under:-

***“8) That the contents of para 8 are wrong and denied. In this respect, it is submitted that since the irregularities committed by the petitioner were of very grave nature and disciplinary proceedings were contemplated as per Regulation 16 of LIC (Agents) Regulations, 2017 against the petitioner, hence respondent No.3 had taken the decision of suspension of renewal commission during the pendency of inquiry proceedings.***

***It is further submitted that the petitioner has prayed in his writ petition that the inquiry pending against him be concluded within a specific period. The said inquiry has been concluded and the fraud committed by the petitioner in respect of Policy No. 125867570 has been established. The following charges have been proved against the petitioner:-***

- 1. You, Sri Dasrath Tanwar, Agency Code 0032811U, procured policy no. 123514246 fvg Sri Balu Ram on 28.03.2006 under your agency,***



*wherein all data regarding health, age, occupation and income was found wrong, whereby the policy was sold to uninsurable person.*

- 2. You had Misused Policy holders money by issuing cheque No.620105, 620106 towards premium of policy numbers, 125877622, 125879130 and 125879046 which later on got dishonored.*
- 3. Your own address was given in policy No. 125867570 (as mentioned in the claim investigation report by branch in charge) fvg Sri Balu Ram whose Death Claim was repudiated for fraudulent reason.*
- 5. The fake school certificate was attested by you while issuing Policy to Sri Balu Ram showing lower age of DLA whereas as per the voter card DLA was 77 years of age at the time of taking the policy accordingly he was uninsurable."*

*Thereafter show cause notice dated 12.7.2018 was issued to the petitioner to show cause within 15 days as to why he should not be held guilty of aforesaid charges and why his*



*agency should not be terminated under Regulation 16.1(a), (b), (h) with forfeiture of renewal commission in terms of Regulation 19 read with Regulation 10 of LIC of India (Agents) Regulations, 2017. The reply submitted by the petitioner was considered by the disciplinary authority but not found satisfactory. Disciplinary authority thereafter imposed the penalty of Termination of Agency' upon the petitioner under regulation 16.1(a), (b) and (h) with forfeiture of renewal commission under Regulation 19.1(a) vide order dated 10.8.2018. Due to wrongly mentioning certain provisions in the order, a revised order was issued on 30.11.2018. In view of the said order dated 10.8.2018 passed by the disciplinary authority, the present writ petition has been rendered infructuous and is liable to be dismissed as such.*

*That it is further submitted that the petitioner has a right to file appeal to the Zonal Manager under Regulation 20 of LIC of India (Agents) Regulations, 2017 against the order dated 10.8.2018 (Ann.R-2) revised on 30.11.2018 (Ann.R-3). He has a further remedy of filing a Memorial to the Chairman of the Corporation against the order passed by the Zonal Manager under Regulation 24 of LIC of India (Agents)*



***Regulations, 2017. Hence the petitioner is required to avail his independent statutory remedy against the order and hence the present writ petition is liable to be dismissed as not maintainable.***

***xxxx...***

***10. That the contents of this para are wrong and denied. It is further submitted that the petitioner has a right to file appeal to the Zonal Manager under Regulation 20 of LIC of India (Agents) Regulations, 2017 against the order dated 10.8.2018/30.11.2018. He has a further remedy of filing a Memorial to the Chairman of the Corporation against the order passed by the Zonal Manager under Regulation 24 of LIC of India (Agents) Regulations 2017. Hence the petitioner is required to avail his independent Statutory remedy against the order dated 10.8.2018/30.11.2018 and hence the present writ petition is liable to be dismissed as not maintainable."***

It was specifically stated by the respondents that they have undertaken further proceedings against the petitioner and the charges were framed. The reply filed was found to be un-satisfactory whereupon a penalty of termination of agency along with forfeiture of the renewal commission under Regulation 19.1 (a) was also imposed on 10.08.2018. Despite the above said reply having been filed in the year 2019, no



212 CWP-12070-2018 (O&M)  
CWP-18861-2018 (O&M)

replication has been filed disputing the same.

Learned counsel for the petitioner although contends that the imposition of penalty was not in accordance with the procedure prescribed in law as no regular departmental enquiry was conducted and no opportunity of hearing was extended. However, he is not in a position to dispute that no writ petition raising a challenge to the order of termination has been filed by the petitioner and in the absence to any challenge to such order, the legality or validity of such order cannot be examined by this Court. Moreover, there is a statutory remedy of appeal provided under the Regulation 20 of the Life Insurance Corporation of India (Agents) Regulations, 1972.

Faced with the above, learned counsel for the petitioner does not press the instant petition at this stage with liberty to take recourse to his appropriate/alternative remedies in accordance with law.

Disposed of as not pressed with the liberty as aforesaid.

Needless to mention that in the event of the petitioner taking recourse to such remedy, the period during which the present petition remain pending before this Court shall be taken into consideration.

All pending civil misc. application(s), if any, stand disposed of.

(VINOD S. BHARDWAJ)  
JUDGE

21.08.2024  
Mangal Singh

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No