IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12564 of 2013

Ram Chandra Pathak S/O Late Damodar Pathak Development Officer, Life Insurance Corporation of India, Branch -1, Exhibition Road, Patna -1

... ... Petitioner/s

Versus

1. The Life Insurance Corporation of India through its Chairman and Board of Directors, Central Office Yogakshema, Jeevan Bima Marg, Mumbai-400021
2. The Zonal Manager, East Central Zone, Jeevan Deep Building, Exhibition Road, Vth Floor, Patna - 800001
3. The Divisional Manager, Life Insurance Corporation of India, Jeevan Prakash Building, Fraser Road, Patna.
4. The Marketing Manager, Life Insurance Corporation of India, Patna Branch - 1 Jeevan Deep Building, Exhibition Road, Patna-1
5. The Branch Manager Life Insurance Corporation of India Patna, Branch - 1, Jeevan Deep Building Exhibition Road, Patna-1

... ... Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Jha, Advocate
For the Respondent/s	:	Mr. Rajni Kant Singh, Advocate
		Mr. Rakesh Kumar, Advocate
		Mr. Manish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

C.A.V. JUDGMENT

Date :02-12-2025

Heard learned counsel for the petitioner and learned counsel for the Life Insurance Corporation.

2. The petitioner has filed the instant application praying for a direction to the respondents to reimburse the expenses of the appraisal years ending December 2001 and December 2002.

3. It is the case of the petitioner that while working

in the capacity of Development Officer in Branch I of the Life Insurance Corporation ('LIC' in short) in Patna and doing good business, the petitioner submitted his bills for the appraisal years December 2001 and December 2002 before the Senior Divisional Manager, Patna Division on 14.2.2004 ie before the due date, however, the same not having been paid, he has filed the instant application.

4. It is further case of the petitioner that the bills for December 2001 and December 2002 have been brought on record as Annexure-1 series from which it would transpire that on 14.2.2004 itself, the Branch Manager of Patna Branch was directed to provide his recommendation on the matter forthwith in view of the fact that the bills were very old. Further reference is made to the letter dated 17.10.2005 (Annexure-3) whereby the Senior Divisional Manager writing to the Zonal Manager of LIC stated that the bills having been submitted by the Development Officer ie the petitioner herein on 14.2.2004 and further process in the same having been delayed in the LIC, the Development officer should not be penalised for the delay caused by the Corporation.

5. Learned counsel for the petitioner submits that the amount of Rs.1,21,790/ was recommended to be paid by the

Branch Manager. Not appreciating the facts and circumstances of the case, the respondent Zonal Manager by his order impugned dated 11.4.2012 rejected the claims of the petitioner for both appraisal year ending December 2001 as also the appraisal year ending December 2002 mainly on the ground of delay besides other grounds mentioned in the order impugned contained in Annexure-8. It is further submitted that the respondents have erred in rejecting the payments of the petitioner for the two appraisal years, the reason stated in the order impugned is not sustainable and the same be set aside and the writ application be allowed directing the respondents to make payment to the petitioner within a reasonable time.

6. The application is opposed by learned counsel appearing for the Life Insurance Corporation. Referring to the contents of the petition as also the letter dated 12.9.2003 of the Executive Director, LIC written to the Zonal Managers of the LIC and the letter dated 19.11.2003 written by the Executive Director to the Zonal Managers of the LIC, it is submitted that there is no doubt with respect to the claims preferred by the Development Officers towards reimbursement of expenses/condonation of delay in submission of claims have to be made within a period of 60 days from the date of completion

of the appraisal period.

7. The claim in the instant case with respect to the petitioner is for the appraisal year ending December 2001 and December 2002. Thus the claims for the two appraisal years have to be submitted by the petitioner by end of February, 2002 and end of February, 2003. Admittedly, from perusal of the contents of the petition itself as also the documents enclosed with the writ application, it would transpire that the claims have been submitted only on 14.2.2004. So far as the submissions of claim within the period of limitation/within time is concerned, there is no averment to the said effect in the entire writ application nor any document brought on record in evidence of the said fact.

8. In reference to the order impugned, it is further submitted that delay in filing of the claim is not the only ground for rejection of the claim for appraisal. As would be evident from the order impugned, a number of other grounds have been mentioned therein which includes the use of different ink and different handwriting in the calculation sheets of the Branch, the note having been passed on payment by the AO (I/C) on 8.5.2004 ie a date going beyond the cut off date, the correspondences being relied upon by the petitioner not carrying

any date and no condonation petition having been filed by the petitioner praying for condonation of delay in filing of the claim. It is lastly submitted that besides the said points not having been contested by the petitioner, even otherwise the same cannot be decided under the writ jurisdiction herein and any dispute which may be raised by the petitioner would be a disputed question of fact which can only be decided after taking of evidence from both the sides. It is thus submitted that so far as the order impugned is concerned, sound reasons have been given, there is no illegality in the order and no merit in the instant application. The application be dismissed.

9. Heard learned counsel for the parties and perused the material on record.

10. The relevant facts in brief are that on the petitioner submitting his bills for the appraisal year December 2001 and December 2002 before the Senior Divisional Manager, Patna Division on 14.2.2004, Rs.1,21,790/- was recommended to be paid by the Branch Manager. The Zonal Manager by his order dated 11.4.2012 rejected the claim of the petitioner for both the appraisal years ending December 2001 and appraisal year ending December 2002.

11. On perusal of the order dated 11.4.2012 (Annexure-

8 to the writ application), it transpires that several grounds have been given for rejection of the reimbursement claims for the two years.

12. With respect to the grounds for rejection of the reimbursement claim for the appraisal year ending December 2001, it was stated that while the claim form was dated 24.2.2003, the calculation sheet of the Branch was dated 26.12.2003. There was difference in handwriting of the official who prepared and checked the calculation sheet. The note for payment had been prepared on 8.5.2004 which was a date beyond the cut off date. Except for one, all the subsequent correspondences were beyond the cut off date. The serial number in the dates raise doubt with respect to their authenticity. The Development Officer had at no point of time applied for condonation of delay. On these grounds, the claim for reimbursement for the appraisal year ending December 2001 was rejected.

13. So far as reimbursement for the claim for the appraisal year ending December 2002 is concerned, the Zonal Manager was of the opinion that the calculation sheet of the Branch did not have any date nor signature of the person who prepared, checked or passed the same. The letter of the Branch

Manager gave the date of submission on 26.6.2004 which was beyond the stipulated date. Even in the undated letter where the S.D.M., Patna has given the remarks on 14.2.2004, he mentions of reimbursement only for the appraisal year ending December 2001 which clearly shows that the petitioner had not submitted any papers for the appraisal year ending December 2002. For this period also, the petitioner did not make any application for condonation of delay as provided in the central office circular.

14. Having perused the contents of the petition and specially the reasons given by the Zonal Manager for rejection of reimbursement of the petitioner for both the appraisal years ending December 2001 and December 2002 in the order impugned, the Court finds no illegality in the same nor any merit in the instant writ application.

15. The application is dismissed.

(Partha Sarthy, J)

Saurabh/-

AFR/NAFR	NAFR
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