



W.P.(MD)No.249 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2025

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THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.(MD)No.249 of 2019
and W.M.P.(MD)No.203 of 2019

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... Petitioner

Vs.

1.The Chairman,
Life Insurance Corporation of India,
Central Office, Mumbai.

2.The Zonal Manager,
Life Insurance Corporation of India,
Southern Zonal Office,
Anna Salai, Chennai.

3.The Senior Divisional Manager,
Life Insurance Corporation of India,
Divisional Office, Thanjavur.

4.The Branch Manager,
Life Insurance Corporation of India,
Branch Office, Aranthangi

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the relieving order dated 08.02.2018 on the file of the fourth respondent issued to the petitioner; set aside the same and direct the respondents to reinstate him with back wages, continuity of service and other service benefits from 09.02.2018.



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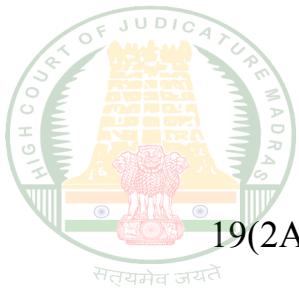
For Petitioner : Mr.R.Kavin Prasath

For Respondents : Mr.G.Prabhu Rajadurai

ORDER

Under assail is the relieving order dated 08.02.2018 passed by the Branch Manager, Life Insurance Corporation of India, Branch Office, Aranthangi.

2.It is the case of the petitioner that he was recruited as an apprentice Development Officer of Life Insurance Corporation on 13.08.1999. After completion of apprenticeship, he was appointed as Development Officer on 28.08.2000. His service was confirmed on 16.05.2001 and regularized as a Development Officer, by an order dated 20.06.2001. Due to his health condition, he could not ride two wheeler to move in the field to procure the stipulated insurance premium. He was unable to bringing the expected high amount of premium year after year. Hence, the annual increments were not granted. From 2009 onwards, his salary was reduced. The situation warranted him to opt for voluntary retirement from the service. He had completed the age of 55 years and as such, he is entitled to apply for voluntary retirement as per Section



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19(2A)(A) of the Life Insurance Corporation of India (Staff)Regulation,

1960. He sent a representation dated 09.11.2017, to permit him to retire from the service. The third respondent called him for exit interview on 02.02.2018 and informed him that he would be relieved from duties on completion of notice period of three months on 08.02.2018. The fourth respondent issued an order of relieving him from service, which read as “Your resignation is accepted by the competent authority”. The petitioner has not submitted any resignation letter. Hence, the order impugned relieving him as resigned is against the law. He preferred an appeal dated 07.05.2018 before the second respondent, ie., Zonal Manager, Life Insurance Corporation of India, Southern Zonal Office, Anna Salai, Chennai and sent on 08.05.2018 requesting him to allow him to get terminal benefits by treating him as voluntarily retired or to allow him to continue in his service as Development Officer. Till date, he has not received any response from the second respondent. Hence, the writ petition.

3.The learned counsel appearing for the writ petitioner would submit that the petitioner had only applied for voluntary retirement as per Sub Rule (2A)(a) of Rule 19(2A)(A) of the Life Insurance Corporation of



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India (Staff) Regulation, 1960. The third respondent could have permitted the petitioner to retire or refused permission. But the third respondent is not vested with any authority to relieve him as resigned when there is no such request from him. He would further submit that the petitioner has completed the age of 55 and as such, he is entitled to go for voluntary retirement as per the Rule applicable to the petitioner.

4.Per contra, the learned counsel appearing for the respondents would submit that on the date of application, the petitioner completed only 16 years of service. To avail pension, minimum 20 years service is required as per the pension Rules. The petitioner was summoned on 02.02.2018 for an exit interview and the petitioner was informed that his offer could be accepted only as resignation and it was recommended as such and the order impugned came to be passed. He would further submit that the petitioner also endorsed without any objection by placing his signature in the report, which recommended, to accept his offer as resignation. Subsequently, the petitioner was relieved on 08.02.2018 from the service by accepting his resignation. The petitioner received the said order without any objection. The petitioner was fully aware that he was not entitled to pension without completing 20 years of service.



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5.This Court has considered the submissions made on either side and perused the materials available in the record.

6.It is seen from the records that the petitioner has submitted his resignation letter addressed to his Senior Divisional Manager, Life Insurance Cooperation of India, Divisional Office, Thanjavur dated 09.11.2017, which is extracted hereunder:-

Respected Sir,

Sub: Permission requested for voluntary retirement from the services of LIC-reg.

Ref: sub rule (2A)(a) of Rule 19 of LIC of India staff regulation

I have served more than 16 years in the corporation as development officer and at present I physically tired due to some ailments.

Hence I am unable to continue to work within the prescribed expenses limit.

As such I prefer to retire from the services of LIC.

Kindly permit me to retire by treating this letter as notice

Thanking you.

7.The order impugned dated 08.02.2018 addressed to the petitioner reads as follows:-



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Dear Sir,

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As per the mail received from our Divisional office Sales Department today, your resignation is accepted by the competent authority. Hence you are relieved from your duties of the corporation at the close of office hours on 08.02.2018.

8.It is seen from the typed-set of papers that the petitioner has submitted his representation dated 07.05.2018 addressed to the Zonal Manager, Life Insurance Corporation of India, Southern Zonal Office, Anna Salai, Chennai requesting to pay terminal dues, after treating him as retired or he may be reinstated. It is pertinent to mention that in paragraph No.15 of the affidavit, the petitioner stated that he had preferred an appeal to the second respondent dated 07.05.2018 and sent on 08.05.2018 requesting to allow him to avail terminal benefits by treating him as voluntarily retired or allow him to continue in service as Development Officer. Till date, he has not receive any response from the second respondent. The learned counsel appearing for the respondent submitted that the second respondent herein has passed an order dated 23.10.2018 with regard to the representation submitted by the petitioner. By opposing the said submission, the learned counsel appearing for the

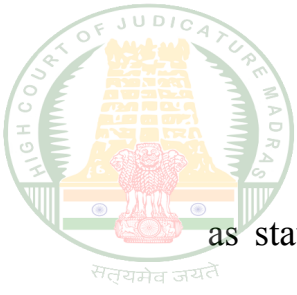


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petitioner would submit that no order has been passed by the second respondent on the appeal preferred by the petitioner and till date the petitioner has not received any communication from respondents.

9.It is pertinent to mention that permitting an employee to voluntarily retire from service or resign from service or retire on superannuation is totally under the domain of appointing authorities concerned and hence, the Court normally should not interfere with the same. It is also pertinent to mention that under judicial review with limited power can only examine whether the decision of the concerned authorities is rational and just.

10.In the instant case on hand, according to the petitioner, he had preferred an appeal as against the order impugned, before the second respondent as appellate authority and the same is pending for consideration. Therefore, this Court is not inclined to consider the relief sought in the writ petition rather to direct the second respondent to dispose the appeal, in the manner known to law. It is made clear that this Court has not gone into the merits of the matter. Accordingly, the second respondent is directed to consider the appeal preferred by the petitioner



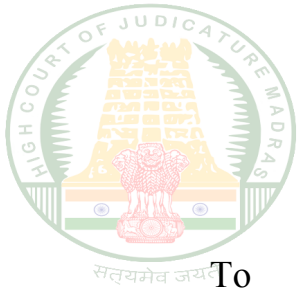
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as stated in paragraph No.15 of his affidavit and dispose the same, in accordance with law by giving sufficient opportunity to the petitioner and pass orders, within a period of twelve weeks from the date of receipt of a copy of this order.

11.With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

NCC : Yes / No
Index : Yes / No
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05.03.2025



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To
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M.JOTHIRAMAN, J.

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