

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

TUESDAY, THE 8TH DAY OF FEBRUARY 2022 / 19TH MAGHA, 1943

WP(C) NO. 4183 OF 2022

PETITIONER/S:

NIMMY ROSE JAMES, AGED 33 YEARS
W/O JOSEPH ROY, DEVELOPMENT OFFICER
(NOW UNDER ORDERS OF TERMINATION)
(CODE NO.0261039), SR.NO.578034
LIFE INSURANCE CORPORATION OF INDIA,
PALA BRANCH, PALA PO - 686 575
KOTTAYAM DISTRICT, RESIDING AT MAZHUVANCHERIL HOUSE
MELAMPARA PO, KOTTAYAM DISTRICT 686 578

BY ADV BINOY VASUDEVAN

RESPONDENT/S:

- 1 THE LIFE INSURANCE CORPORATION OF INDIA
REPRESENTED BY ITS ZONAL MANAGER, SOUTHERN ZONE
LIC BUILDING, 153, ANNA SALAI,
P B NO.2450, CHENNAI - 6000 002
- 2 THE ZONAL MANAGER,
LIFE INSURANCE CORPORATION OF INDIA
SOUTHERN ZONE
LIC BUILDING, 153, ANNA SALAI,
P B NO.2450, CHENNAI - 6000 002
- 3 THE SENIOR DIVISIONAL MANAGER
LIC OF INDIA, DIVISIONAL OFFICE
JEEVAN PRAKASH P B NO. 609
NAGAMPADAM, KOTTAYAM - 686 001
- 4 THE MANAGER, LIC OF INDIA
PALA BRANCH, PALA PO,
KOTTAYAM 686 575

ADV.S.EASWARAN SC FOR,LIC OF INDIA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner is a Development Officer in the 1st respondent Life Insurance Corporation of India. By Ext.P13, the 3rd respondent passed an order terminating the service of the petitioner as a Development Officer which is to take effect on expiry of 3 months from the date of receipt of the order in terms of the provisions of the Life Insurance Corporation of India Development Officers (Revision of Certain Terms and Conditions of Service Rules) 2009 as amended by Amendments Rules 2016. Against Ext.P13 order, the petitioner preferred a statutory appeal dated 01.12.2021 before the 2nd respondent. The 2nd respondent by Ext.P14 order rejected the appeal. Challenging Ext.P14, the petitioner has approached this Court. According to the petitioner, she could not bring in the required

premium for the appraisal year due to the situation created by Covid-19 pandemic and the maternity leave availed. The 2nd respondent without considering these aspects and without hearing the petitioner, has passed Ext.P14 dismissing her appeal.

2. Heard the learned Counsel for the petitioner and Sri.S.Easwaran, learned Standing Counsel for the respondents.

3. It is contended by the learned Counsel for the petitioner that Ext.P14 order has been passed without application of mind and in total disregard to the principles of natural justice. The petitioner was not heard before passing the order of termination and the contentions of the petitioner in the appeal was not considered by the 2nd respondent with due application of mind.

4. Per contra, Sri.S.Easwaran, the learned Standing Counsel submits that there is no provision

under the statute governing the consideration of appeal, which provides for a personal hearing of the parties before an order is passed in the appeal.

5. Since it is not disputed that Ext.P14 has been passed without affording an opportunity of hearing to the petitioner, I find that the order is issued in violation of principles of natural justice. If the statute is silent with regard to providing opportunity of personal hearing to the affected person, particularly when the decision involves adverse civil consequences of termination of service, natural justice has to be read in to the statute. Accordingly, I set aside Ext.P14. There will be a direction to the 2nd respondent to consider afresh the appeal dated 01.12.2021 filed by the petitioner against Ext.P13 order, after affording an opportunity of hearing to the petitioner. The hearing can be either physically or virtually. The Appellate Authority shall consider the contentions of

the petitioners in Ext.P13 and shall pass a reasoned order. Orders as above shall be passed within a period of eight weeks. Till such time the appeal is heard and disposed of and the order communicated to the petitioner, the petitioner shall continue in service as Development Officer in the Life Insurance Corporation of India.

The writ petition is disposed of with the above directions.

Sd/-

**MURALI PURUSHOTHAMAN,
JUDGE**

SB/08/02/2022

APPENDIX

PETITIONERS EXTS.

- EXT.P1 TRUE COPY OF THE LETTER OF APPOINTMENT VIDE REFERENCE NO.LIC ADO-2015-16 DATED 26.10.2015 ISSUED BY THE 3RD RESPONDENT.
- EXT.P2 TRUE COPY OF THE LETTER OF APPOINTMENT OF THE PETITIONER AS A PROBATIONARY DEVELOPMENT OFFICER DATED 30.04.2016 ISSUED BY THE 3RD RESPONDENT.
- EXT.P3 TRUE COPY OF THE LETTER OF CONFIRMATION DATED 17.06.2017 ISSUED BY THE 3RD RESPONDENT
- EXT.P4 TRUE COPY OF THE NOTICE DATED 5.7.18 ISSUED BY THE 3RD RESPONDENT.
- EXT.P5 TRUE COPY OF THE COMMUNICATION DATED 2.8.18 ISSUED BY THE 3RD RESPONDENT
- EXT.P6 TRUE COPY OF THE COMMUNICATION DATED 24.6.19 ISSUED BY THE 3RD RESPONDENT.
- EXT.P7 TRUE COPY OF THE COMMUNICATION DATED 24.6.2020 ISSUED BY THE 3RD RESPONDENT
- EXT.P8 TRUE COPY OF THE PROCEEDINGS OF THE 4TH RESPONDENT DATED 12.2.21 GRANTING MATERNITY LEAVE TO THE PETITIONERS
- EXT.P9 TRUE COPY OF THE NOTICE WAS ISSUED ON 25.8/.21
- EXT.P10 TRUE COPY OF THE REPLY DATED 9.9.21 SUBMITTED BY THE PETITIONERS
- EXT.P11 TRUE COPY OF THE SHOW CAUSE NOTICE DATED 15.9.21 ISSUED BY THE 3RD RESPONDENT.
- EXT.P12 TRUE COPY OF THE REPLY DATED 20.10.21 SUBMITTED BY THE PETITIONER.
- EXT.P13 TRUE COPY OF THE ORDER OF TERMINATION DATED 15.11.21 ISSUED BY THE 3RD RESPONDENT

- EXT.P14 TRUE COPY OF THE PROCEEDINGS OF THE 2ND
RESPONDENT DATED 27.1.22 REJECTING THE APPEAL
PREFERRED BY THE PETITIONERS
- EXT.P15 TRUE COPY OF CIRCULAR VIDE REFERENCE
NO.CO/ZD/MKTG/FPDO/09/2020 DATED 21.4.2020
- EXT.P16 TRUE COPY OF THE CIRCULAR DATED 13.8.2020
ISSUED BY THE CENTRAL OFFICE OF THE 1ST
RESPONDENT
- EXT.P16(A) THE TRUE COPY OF THE CIRCULAR
NO.CO/2D/MKTG/2D/2021 DATED 11.6.21
- EXT.P17 TRUE COPY OF THE JUDGMENT DATED 10.3.21 IN WPC
NO. 6222/21
- EXT.P18 TRUE COPY OF THE JUDGMENT DATED 27.8.21 IN WPC
NO.17329/21