

Item no.D/L 05
Court No. 18

In the High Court at Calcutta

Constitutional Writ Jurisdiction

Appellate Side

WPA 6583 of 2026

Amit Kharat

.... *Petitioner*

VS.

Union of India & Ors.

....*Respondents*

Mr. Ujjal Ray

Mr. Arpa Chakraborty

Mr. Atreya Chakraborty

....*Advocates*

Mr. Avishek Guha

Mr. Ankush Majumdar

....*Advocates*

Mr. Prodyat Saha

Ms. Shreyosi Chakraborty

....*Advocates*

1. Affidavit of service filed in Court today is taken on record.
2. In the instant case, the petitioner has challenged the validity of certain Rules of the Life Insurance Corporation of India Development Officers (Revision of Certain Terms and Conditions of Service) Rules, 2009 on the ground of being ultra vires to the Constitution of India.
3. The petitioner has also assailed certain provisions of the Life Insurance Corporation of India Development Officers (Revision of Certain Terms & Conditions of Service) Amendments Rules, 2016.

4. The petitioner has prayer for quashing the impugned notifications dated 12th November, 2009 and 22nd January, 2016 issued by the Ministry of Finance, Government of India.
5. The petitioner is a Development Officer of the Life Insurance Corporation of India. A show cause letter was issued against him on 19th February, 2026.
6. The petitioner is aggrieved by the same. It has been submitted that the provision relying on which the said show cause letter has been issued is ultra vires the Constitution of India.
7. The petitioner has already filed his reply to the show-cause which is yet to be considered by the authority.
8. Prayer has been made for passing an interim order restraining the authority from passing any final order till the disposal of the instant writ petition.
9. The aforesaid submission of the petitioner is opposed by the learned counsel representing the Life Insurance Corporation of India.
10. It has been submitted that the challenge to the vires of the Rules has been decided by the Hon'ble Division Bench of the Allahabad High Court on 20th December, 2024 in a batch of writ petitions first of which is WRIT-A No.- 23101 of 2014 (Munna Lal Vs. State of U.P. And 4 Others) (Neutral Citation No.- 2024:AHC:200075-DB) wherein the Court was pleased to uphold the impugned Rules.
11. It has been submitted that the appeal preferred therefrom has not been stayed/ modified/ varied till date and the appeal is fixed for consideration before the Hon'ble Supreme Court on 21st April, 2026.

12. It has also been submitted that as the issue has been decided by the Division Bench of a Constitutional Court of the country, the same will be binding upon this Bench.
13. I have heard the submissions made on behalf of both the parties.
14. As it appears that the petitioner has already responded to the show-cause notice issued by the Life Insurance Corporation of India, it will be open for the respondents to consider the same in accordance with law.
15. Let the reasoned order by the Life Insurance Corporation of India be placed on record by the authority as and when the same is passed.
16. It will be open for the petitioner to apply for obtaining interim order in the event any punitive or coercive steps is taken by the Life Insurance Corporation of India upon consideration of his reply to the show-cause.
17. The challenge made in the writ petition has to be decided upon exchange of affidavits.
18. The respondents are directed to file affidavit in opposition within a period of four weeks from date. Reply, if any, be filed within two weeks thereafter.
19. Liberty to mention the matter for hearing after completion of affidavits.
20. Parties to act on the basis of the server copy of this order, duly downloaded from the official *website* of this Court.
21. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)