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11.8.2023
S.D.

**W.P.A. 7199 of 2023
With
CAN 1 of 2023
CAN 2 of 2023**

**Sandip Kumar Mallick
Vs.
Union of India & Ors.**

Mr. Debarshi Das

..For the petitioner

Mr. Avishek Guha

Mr. Rajiv Kumar

...for the LIC

The petitioner was required to show-cause against the termination as per Rule 6(8) of the Life Insurance Corporation of India Development Officers (Revision of Certain Terms and Conditions of Service) Amendment Rules, 2016. The show-cause notice was dated July 29, 2022. The petitioner gave a reply to such show-cause on August 17, 2022. Thereafter, a notice of termination was issued on June 8, 2023, when the Court was in *seisin* of the matter.

Mr. Das, learned counsel appearing on behalf of the petitioner/applicant submits that unless the order of termination is kept in abeyance, the writ petition will become infructuous.

Mr. Guha, learned counsel appears on behalf of the Life Insurance Corporation of India. He refers to a judgment reported in 2015 SCC Online KER 23029 (**Life Insurance Corporation of India & Anr. Vs. Union of India & Anr.**) and also an unreported judgment of Kerala High Court at Ernakulam passed in W.P. (C) 21711 of 2021 (**Life Insurance Corporation of India vs. Swathi Ganesh**).

In both the aforesaid judgments, the Hon'ble Division Bench of Kerala High Court quashed the order of termination passed against Development Officers of LIC. In the unreported judgment, the order quashing the order of termination was directed to the extent that the Development Officer was given a period of one year to reach the cost ratio of 35%, in view of the peculiar situation that arose in the country due to COVID-19 Pandemic.

Mr. Guha submits that both the orders of Kerala High Court were stayed by the Hon'ble Supreme Court in Special Leave to Appeal (C) No. 15548 of 2022 and Special Leave to Appeal (C) No. 10238 of 2016. Therefore, he submits that the impugned order of termination should not be stayed by this Court.

Considering the rival submissions of the parties and the materials placed on record, this Court finds that both the

judgments of Kerala High Court have been passed at a final stage upon considering the case of the parties on affidavits.

This Court also finds, that unless an interim order of stay of termination notice is passed, the writ petition itself will be rendered infructuous.

Therefore, let the order of termination dated June 8, 2023, issued by the Senior Divisional Manager be kept in abeyance till such time the business of the Court permits to take up the matter for final hearing.

All parties shall act on the server copy of this order duly downloaded from the official **website** of this Court.

(Lapita Banerji, J.)