

20.09.2024
D.L.5
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 7199 of 2023
with
CAN 1 of 2023
CAN 2 of 2023
CAN 3 of 2024
CAN 4 of 2024

Sandip Kumar Mallick
Vs.
Union of India & Ors.

Mr. Amit Pan,
Mr. Debarshi Das

....for the petitioner.

Mr. Avishek Guha,
Ms. Sonal Agarwal

....for LICl.

Re: CAN 4 of 2024

By an order dated 11th August, 2024, passed in the applications, being CAN 1 of 2023 and CAN 2 of 2023 filed in this writ petition, the order of termination dated 8th June, 2023 issued to the petitioner by the Senior Divisional Manager, Life Insurance Corporation of India (LICl) was directed to be kept in abeyance till the writ petition was taken up for final hearing. Direction for filing affidavits was also given in the writ petition.

During the pendency of the writ petition, a fresh show cause notice has been issued to the petitioner on 25th June, 2024, which has been, according to the petitioner, received on 26th June, 2024. The said

show cause notice dated 25th June, 2024 culminated into a letter of termination dated 30th July, 2024, being Annexure – ‘A’ at page 11 of the said application which has been wrongly typed as 5th August, 2024 in the prayer (a) of the application. This application which was filed on 9th August, 2024, being CAN 4 of 2024, has been filed by the writ petitioner for stay of the letter of termination dated 30th July, 2024.

The petitioner says that by issuing a subsequent show cause and the letter of termination, the respondent (LICI) is attempting to render the writ petition infructuous. The petitioner also submits that it is not possible for the petitioner to come before the Court on each occasion during the pendency of the writ petition when subsequent show cause notices and letter of termination are issued.

On behalf of LICI, it is submitted that this application and the prayers made therein is beyond the scope of the writ petition and should not be entertained.

The submission made on behalf of LICI is of substance. However, one should not also lose sight of the fact that the first termination notice, being the subject matter of the writ petition, has been kept in abeyance and not quashed as yet. If the termination, being the subject matter of the writ petition, is upheld

and/or allowed to be sustained then the subsequent show cause notice and termination letter will become inconsequential.

In such situation, the petitioner cannot be compelled to file successive writ petitions challenging each of such show cause notice and the consequent termination notices though strictly going by the legal provisions that should be the procedure adopted.

In the aforesaid facts and circumstances, the show cause notice dated 25th June, 2024 and the letter of termination dated 30th July, 2024 are also directed to be kept in abeyance.

The petitioner shall file a supplementary affidavit in the writ petition to bring the show cause notice dated 25th June, 2024 and the letter of termination dated 30th July, 2024 will also be entitled to seek for amendment of the writ petition, if so advised.

The supplementary affidavit should be filed by 4th October, 2024.

I am told that LICI has used its opposition to the main writ petition.

LICI shall be permitted to use opposition to the supplementary affidavit by 5th November, 2024.

Parties will be at liberty to mention the matter for hearing after completion of the affidavits as directed.

(Arindam Mukherjee, J.)