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## **ABANDONMENT OF SERVICE IS CAUSE FOR TERMINATION OF EMPLOYMENT**

The Supreme Court (**SC**), in *Life Insurance Corporation of India & Ors.* case,<sup>1</sup> overturning the judgement of the Himachal Pradesh High Court (**HC**) held that where an employee abandons his services without informing his employer about his whereabouts, his termination of employment is justified.

### **Brief Facts**

Om Prakash (**Om**) was serving as an Assistant Administrative Officer with the Life Insurance Corporation of India (**LIC**). He remained absent from duty for a period of 90 days without intimating LIC, his employer.

LIC served three notices<sup>2</sup> as per the LIC Staff Regulation (**LIC Regulation**) directing Om to resume his duties. He failed to respond to the notices. On his failure, the Disciplinary Authority of LIC (**Authority**) issued<sup>3</sup> the chargesheet-cum-show cause notice (**Chargesheet**) to him proposing his removal. The Chargesheet too remained unanswered.

The Authority considered the case as 'abandonment of service' by Om and in accordance with the applicable LIC Regulation ordered his removal.

Om approached the Single Bench (**SB**) of the HC,<sup>4</sup> which ruled in his favour by setting aside the order removing him from service and granting to him all consequential benefits.

In appeal the Division Bench (**DB**) of the HC upheld the SB judgement.

LIC went in appeal before the SC.

### **LIC's Contentions**

The three notices to Om were issued prior to the Chargesheet and in those notices, he was informed about the unauthorised absence from duty. The notices directed him to rejoin his duty immediately or action would be taken against him under the LIC Regulation.

The notices were then followed by the Chargesheet, which was unserved on Om with the postal endorsement "*on enquiry it has come to know that the consignee has left job and gone. R.L. is returned herewith*". As all notice(s) to Om remained unanswered, the Authority treated it as abandonment of service and terminated his service under the LIC Regulation.

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<sup>1</sup> *Life Insurance Corporation of India & Ors. v. Om Prakash*, 2024 SCC OnLine SC 3315 (**Judgement**).

<sup>2</sup> Sent on October 06, 1995, November 06, 1995 and December 19, 1995.

<sup>3</sup> On January 14, 1996.

<sup>4</sup> Invoking its writ jurisdiction under Article 226 of the Constitution.

He had secured employment with the Food Corporation of India (**FCI**) whilst remaining in service of LIC and this fact is an indication of abandonment of service. He suppressed this fact before the HC.

### **Om's Contentions.**

Om remained unrepresented before the SC.<sup>5</sup>

The relief granted by the HC was on the ground that he was not given a reasonable opportunity to be heard by the Authority.

The addresses to which the notices were sent to Om were different.

### **SC's Judgement and Reasoning.**

The SC held “[S]uch conduct [suppression of Om’s employment with FCI] of the respondent could not have been condoned by the employer and therefore, in our assessment, treating the respondent to have abandoned his service and taking appropriate action against him, in terms of the LIC Staff Regulation, cannot be faulted. It is also necessary for us to say that as the delinquent was guilty of suppression of the fact of his employment with the FCI, he was disentitled to equitable relief from the High Court in exercise of powers under Article 226 of the Constitution.”<sup>6</sup>

The appeal was allowed.

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<sup>5</sup> The SC sought the assistance of a counsel.

<sup>6</sup> See paragraph 12 of the Judgement.