LIFE INSURANCE CORPORATION OF INDIA

Eastern Zonal Office, "Hindusthan Buildings", 4, Chittaranjan Avenue, Kolkata-700 072

PURSUANT TO THE ORDER DATED 25.06.2026 OF THE HON'BLE HIGH COURT AT CALCUTTA PASSED IN W.P.A. NO. 23643 OF 2025

PROCEEDINGS UNDER THE LIFE INSURANCE CORPORATION OF INDIA (AGENTS) RULES, 1972

AND

IN THE MATTER OF:

Sri Vijay Agarwal, ex-Agent, Agency Code No. 97633411,

Salt Lake Branch Office under Kolkata Suburban Divisional Office ("KSDO")

... Appellant

-versus-

Life Insurance Corporation of India

... Respondent

AND

IN THE MATTER OF AN APPEAL DATED 28.12.2013 PREFERRED BY THE APPELLANT AGAINST THE ORDER DATED 30.09.2013 PASSED BY THE DISCIPLINARY AUTHORITY

REASONED ORDER

WHEREAS, in compliance with the order dated 25.06.2026 passed by the Hon'ble High Court at Calcutta in W.P.A. No. 23643 of 2025, whereby the order dated 08.11.2016 passed by the undersigned as the Appellate Authority was set aside and the Appeal dated 28.12.2013 remanded for fresh consideration and disposal, upon taking into account, inter alia, the additional evidence of Dr. Alok Kumar Chowdhury recorded pursuant to the liberty granted to the Appellant to call witnesses; Further the time period for completion of the hearing and for passing of the order was extended by 3 weeks from the date of order dated 31.08.2026 passed by the Hon'ble High Court at Calcutta;

AND WHEREAS, in terms of the said directions, hearing was given to both the parties on 12.09.2026 and pursuant to the same, vide Minutes of the Meeting dated 12.09.2026, both parties were directed to file their respective written notes of submissions for consideration by the undersigned;

AND WHEREAS the Appellant has, through his Ld. Advocate, forwarded his Note of Submissions under cover of letter dated 15.09.2026, and the Respondent Corporation has filed its Short Written Notes of Submissions in reply thereto;

I have gone through the entirety of the records of these proceedings, including the pleadings, the documentary evidence, the deposition of Dr. Alok Kumar Chowdhury, and the written submissions filed on behalf of both parties, and now proceed to pass this reasoned order as directed.

A. FACTS AND PROCEDURAL HISTORY

(1) WHEREAS, Sri Vijay Agarwal, ex-Agent, Agency Code No. 97633411 (hereinafter referred to as the "Appellant"), was at all material times attached to the Salt Lake Branch Office of the Corporation under the Kolkata Suburban Divisional Office ("KSDO"). One Prosenjit Das, since deceased, was himself an Agent of the Corporation attached to its Baranagar Branch. On or about 25.03.2004, 6 (six) proposals for insurance on the life of Sri Prosenjit Das were introduced through the agency of the Appellant, being Policy Nos. 423881681 to 423881686, for a Sum Assured of Rs. 1,01,000/- each in respect of five of the said policies and Rs. 10,00,000/- in respect of the sixth policy, aggregating to a total Sum Assured of Rs. 15,05,000/-. One Sri Biswajit Das, described as a distant cousin brother of Prosenjit Das, since deceased was named as nominee under all six policies, notwithstanding that Prosenjit Das was survived by his father, mother and two sisters.

(2) WHEREAS no deposit or consideration money was made or paid by the proposer, Prosenjit Das, since deceased,towards any of the said six proposals. Instead, the premium in respect of all six policies was adjusted against a proposal deposit made vide B.O.C. No. 11657 dated 13.02.2004 in the name of one Sri R.L. Gupta, another client for whom the Appellant was also the agent. The Premium Receipts issued by the Corporation in respect of the six policies bear the date 31.03.2004, being the last date of the financial year 2003-04, whereas the Proposal Review Sheets record a preparation/registration date of 16.04.2004.

(3) WHEREAS Prosenjit Das died on 10.04.2004 as a result of an accident, and a claim for payment of death benefit was thereafter lodged purportedly on behalf of the nominee, Sri Biswajit Das. While processing the said claim, it came to the notice of the Corporation that the proposals appeared to have been arranged after the death of the life assured, raising the suspicion of an attempt to siphon a substantial sum by way of death claim. On enquiry, it was found that neither the father nor the two sisters of the said Prosenjit Das, since deceased who would ordinarily be his natural beneficiaries, were aware of any such policies having been taken out by the deceased.

(4) WHEREAS, the matter having attracted a vigilance angle, the Corporation referred the standard/admitted documents of Sri Prosenjit Das (stamped and marked A1 to A21, A21/1, A22 to A28, A30 to A42 and A44 to A52) together with the questioned proposal forms/policies (stamped and marked Q1 to Q26 and Q19/1), 79 exhibits in all, to the Government Examiner of Questioned Documents, Directorate of Forensic Sciences, Ministry of Home Affairs, Government of India ("GEQD").

The GEQD, vide Opinion/Report No. DXB-30/2006 dated 12.07.2006, opined in categorical terms that the person who wrote the admitted documents (A1 to

A52 series) did not write the questioned documents (Q1 to Q26, Q19/1 series), i.e., that the six questioned proposal forms were not signed by Sri Prosenjit Das. The covering letter forwarding the said Opinion further recorded that, should evidence be necessary, summons could be got issued in the name of Smt. K.B. Jena, Assistant Government Examiner of Questioned Documents, Kolkata.

(5) WHEREAS, on the basis of the said Opinion and the attendant circumstances, a Show Cause Notice dated 20.12.2006 was issued to the Appellant. In his reply dated 27.12.2006, the Appellant did not furnish any explanation or evidence to controvert the allegations, but instead sought pardon for his "mistake/negligence". Thereafter, by order dated 10.03.2007, the Divisional Manager (in-charge), as the Disciplinary Authority, imposed upon the Appellant the penalty of termination of agency with forfeiture of renewal commission under Rules 16(1)(a) & (b) and 19(1) read with Rule 10(6) of the Life Insurance Corporation of India (Agents) Rules, 1972.

(6) WHEREAS the said order dated 10.03.2007 was carried in appeal by the Appellant before the undersigned, and was rejected in the absence of any material to absolve him. The Appellant thereafter preferred a Memorial before the Chairman on 29.06.2008, which too came to be rejected vide speaking order dated 12.08.2009.

(7) WHEREAS the Appellant challenged the entire proceedings before the Hon'ble High Court at Calcutta by way of W.P. No. 12898(W) of 2012. Vide judgment dated 18.03.2013, Hon'ble Justice Dipankar Datta set aside the orders on the ground of procedural infirmity relating to opportunity of hearing, without going into the merits of the charges, and directed that the proceedings resume from the stage after submission of the Appellant's reply and that all documents relied upon be furnished to him within a fortnight, that a personal hearing be afforded,

and that the proceedings be concluded not later than September, 2013, with liberty to the Appellant to adduce evidence in support of his defence.

(8) WHEREAS, in compliance with the said directions, documents were furnished to the Appellant, who, by his letter dated 26.07.2013, sought to cross-examine the employees, officers, the medical examiner and the investigating officer connected with the matter. At the personal hearing held on 05.08.2013, the Disciplinary Authority pointed out that there was no direction by the Hon'ble High Court for any such examination or cross-examination, and requested the Appellant to make his submissions together with supporting evidence; the Appellant, however, persisted in his demand, and the proceedings of the day stand recorded and signed by him.

(9) WHEREAS, aggrieved thereby, the Appellant filed a further Writ Petition being W.P. No. 24905(W) of 2013. Vide order dated 27.08.2013, Hon'ble Justice Sanjib Banerjee disposed of the said petition holding that the authority conducting the enquiry would allow the Appellant to call any witness so long as the evidence was relevant to the issues arising in the proceedings, but that the authority would be under no obligation to furnish the names of, or summon, any employee of the Corporation or any other person for the purpose of the Appellant cross-examining them, it being for the Appellant to discover such facts as would enable him to rebut the charges.

(10) WHEREAS, in deference to the said order, the Appellant was afforded a further personal hearing on 27.09.2013, at which he produced no witness whatsoever, but submitted four documents, namely: (i) a letter dated 21.09.2013 from Prof. C.R. Ghosh; (ii) a letter dated 21.09.2013 from Dr. Aloke Chaudhury; (iii) a copy of the Proposal Review Slip dated 16.04.2004; and (iv) a copy of the opinion of

one Sri Purushottam Chatterjee dated 28.05.2013, the proceedings of the day again standing recorded and signed by the Appellant.

(11) WHEREAS, upon a fresh and complete re-evaluation of the allegations vis-à-vis the evidence on record, and having afforded the Appellant sufficient opportunity to defend himself, the Disciplinary Authority, by its Final Order dated 30.09.2013 (the "impugned Order"), once again imposed upon the Appellant the penalty of termination of agency with forfeiture of renewal commission under Rules 16(1)(a) & (b) and 19(1) read with Rule 10(6) of the Life Insurance Corporation of India (Agents) Rules, 1972.

(12) WHEREAS, being aggrieved by the impugned Order dated 30.09.2013, the Appellant preferred the present Appeal dated 28.12.2013 before the undersigned as the Appellate Authority.

(13) WHEREAS, while the said Appeal was pending consideration, the Appellant moved the Hon'ble High Court at Calcutta by way of W.P. No. 9475(W) of 2014, which was disposed of by Hon'ble Justice Dipankar Datta on 26.03.2014 with a direction that the Appeal be disposed of in accordance with law, preferably within two months. A personal hearing was accordingly fixed on 16.04.2014 before a senior official to record the Appellant's version; however, the Appellant appeared with two Advocates seeking legal representation, which, the proceedings being in the nature of a domestic enquiry, was declined; the Appellant thereupon declined to submit his version himself, and his conduct on the occasion was found to be disrespectful, contrary to sub-rule (3) of Rule 20 governing the process of Appeals.

(14) WHEREAS, by order dated 21.05.2014, the undersigned, as the Appellate Authority, having considered the record, concurred with the conclusions of the

Disciplinary Authority and rejected the Appeal, holding that no legitimate ground existed for interference.

(15) WHEREAS the Appellant challenged the said order dated 21.05.2014 before the Hon'ble High Court at Calcutta by way of W.P. No. 18354(W) of 2014, which came to be disposed of on 16.08.2016 by Hon'ble Justice Joymalya Bagchi. While His Lordship did not accept the submission that the Appellant possessed a right of legal representation before the Appellate Authority, it was held that, the Appellant having been overwhelmed by the rejection of his prayer for legal representation and thereby rendered unable to effectively prepare and present his case, another opportunity of hearing ought to be afforded to him; the order of termination was accordingly directed to be kept in abeyance for six weeks, within which period a personal hearing was to be given and a reasoned order passed upon consideration of the Appellant's oral and written submissions.

(16) WHEREAS, pursuant thereto, the Appellant was afforded a personal hearing before the undersigned on 27.09.2016, at 10:10 a.m., at which his submissions were recorded verbatim and a written statement running into 47 pages, together with enclosures, was tendered and considered in its entirety, along with the case history and the earlier submissions on record. No new facts were found to have been placed before the undersigned; and, on the point sought to be raised regarding the handwriting expert, it was noted that the handwriting expert's services relied upon by the Corporation (the GEQD) had been obtained from an independent Government authority, rendering any further opinion on the point unwarranted. By order dated 08.11.2016, the undersigned once again concurred with the conclusion of the Disciplinary Authority contained in its order dated 30.09.2013 and upheld the same.

(17) WHEREAS the Appellant thereafter challenged the said order dated 08.11.2016 before the Hon'ble High Court at Calcutta by way of W.P.A. No. 23643 of 2025. In the course of the said proceedings, the liberty earlier granted to the Appellant to call witnesses (vide order dated 27.08.2013 of Hon'ble Justice Sanjib Banerjee) was reiterated/renewed vide order dated 11.03.2026 of Hon'ble Justice Krishna Rao, pursuant to which Dr. Alok Kumar Chowdhury was examined on behalf of the Appellant, his evidence being placed on the record of the writ proceedings as additional evidence.

(18) WHEREAS, by order dated 25.06.2026 passed in W.P.A. No. 23643 of 2025, the Hon'ble High Court at Calcutta was pleased to set aside the order dated 08.11.2016 and to remand the Appeal to the undersigned for fresh consideration and disposal, inter alia, upon taking into consideration the additional evidence of Dr. Alok Kumar Chowdhury.

B. THE PRESENT PROCEEDINGS ON REMAND

(19) WHEREAS, in terms of the Minutes of the Meeting dated 12.09.2026, both parties were called upon to place their Arguments and after a detailed hearing given to the Ld. Advocates representing both the parties, a direction was passed by the undersigned to submit their respective written notes of submissions, setting out the relevant facts, documents and contentions, for consideration in compliance with the order of remand by 15.09.2026.

(20) WHEREAS the Appellant, through his Advocate, Sri Subhankar Das, forwarded his Note of Submissions, together with annexures and judgments, under cover of letter dated 15.09.2026; and the Respondent Corporation, through its Advocate, filed its Short Written Notes of Submissions in reply thereto. Both

sets of submissions, together with the annexures thereto, have been considered by the undersigned in their entirety.

C. SUBMISSIONS ON BEHALF OF THE APPELLANT

(21) It has been submitted, in substance, on behalf of the Appellant, that:

(i) the Opinion/Report of the GEQD could not be relied upon by the Disciplinary Authority without the same having been duly proved by its author and that Sections 45, 47, 51, 67 and 73 of the Indian Evidence Act, 1872 required the Corporation to examine the concerned Government Examiner and to afford the Appellant an opportunity to cross-examine such Examiner; and that, this not having been done, the finding of forgery founded on the said Opinion is legally unsustainable;

(ii) the subsequent evidence of Dr. Alok Kumar Chowdhury, recorded pursuant to the liberty granted by the Hon'ble High Court, establishes that Sri Prosenjit Das had, in fact, signed the proposal forms in his presence prior to his death, and that the Corporation, having failed to confront the witness in cross-examination with the case that the signatures were forged, is precluded, by the principle in A.E.G. Carapiet v. A.Y. Derderian, AIR 1961 Calcutta 359, from now disputing the same;

(iii) the report of the handwriting expert relied upon by the Appellant, Sri Purushottam Chatterjee, was rejected by the Disciplinary Authority without cogent basis;

(iv) though it is factually correct that no initial deposit was made by Sri Prosenjit Das and that the premium was adjusted from the deposit standing in the name of Sri R.L. Gupta, the Corporation had full knowledge of this fact at the time of verification and acceptance of the proposals, as recorded in the Proposal Review Slip, and, having accepted the proposals and issued the policies with such knowledge, is estopped from treating the same transaction as misconduct;

(v) the contemporaneous documents, namely the Premium Receipts and the Proposal Review Sheets, record the date of registration/acceptance of the proposals as 31.03.2004, and the subsequent reference to 16.04.2004 as the date of preparation of the Review Sheets cannot override the said contemporaneous record;

(vi) the medical examination and reports dated 12.03.2004 and 25.03.2004, said to be signed by empanelled doctors of the Corporation, establish that Sri Prosenjit Das was, in fact, medically examined prior to his death, and the letter dated 07.01.2005 of the Director, Medilink Healthcare Centre, relied upon by the Corporation to the contrary, is an ex facie impossible and procured document, being inconsistent with the admitted date of death; and

(vii) neither the status of Sri Prosenjit Das as an LIC agent, nor the choice of nominee, has any bearing on the charge of misconduct against the Appellant.

(22) On the above grounds, it has been prayed on behalf of the Appellant that the findings of the Disciplinary Authority be set aside, the impugned Order dated 30.09.2013 be quashed, and the penalty imposed upon the Appellant be withdrawn with all consequential benefits.

D. SUBMISSIONS ON BEHALF OF THE RESPONDENT CORPORATION

(23) It has been submitted, in substance, on behalf of the Respondent Corporation, that:

(i) the Opinion of the GEQD, a specialised scientific wing of the Central Government, is founded on a well-recognised and established scientific process of comparison between the admitted and questioned writings of Sri Prosenjit Das, and remains wholly unrebutted; that the Appellant, despite having been furnished a copy thereof as early as 05.03.2013, despite the mechanism for summoning the Examiner being expressly recorded in the Opinion itself, and despite the blanket liberty granted to him to call any witness (vide orders dated 27.08.2013 and reiterated on 11.03.2026 by the Hon'ble High Court at Calcutta), never once sought to examine or cross-examine the author of the said Opinion, either before the Disciplinary Authority, the Hon'ble High Court, or in the present Appeal, nor took any formal exception thereto; and that the Appellant is, in these circumstances, estopped from now questioning the validity of the said Opinionthe GEQD;

(ii) the evidence of Dr. Alok Kumar Chowdhury is unreliable, by the measure of ordinary common sense that a physician of his stature remembers the exact details of the identity and signature of a person whom he examined two decades earlier. His bare assertion, made after a lapse of over twenty-two years, that a person identifying himself as Prosenjit Das signed before him, cannot displace the scientific and reasoned opinion of the GEQD; and that the report of Sri Purushottam Chatterjee, being that of a person not recognised as a Government Examiner, obtained after the death of Sri Prosenjit Das, and never proved on oath or affidavit despite full opportunity, deserves no weightage;

(iii) the Appellant's own admission that no deposit was made by the proposer and that the premium was diverted from the deposit of another client, Sri R.L. Gupta, without the latter's knowledge or consent, is an admission against interest and, in any event, amounts to a diversion of a client's funds in violation of Clause 9 of the Circular for New Business for 2003-04 dated 11.02.2004, an impropriety not cured by any lapse on the part of the Corporation's verifying staff at the time of acceptance;

(iv) it is an admitted position, borne out by the Appellant's own case, that the proposals were registered on 16.04.2004, six days after the death of Sri Prosenjit Das on 10.04.2004; that the practice of dating back proposals to the last date of the financial year for administrative convenience in securing year-end business does not alter the actual date of registration for any other purpose; and that the specific medical investigation (ECG and other special tests) called for under the Proposal Review Slip in respect of the policy for Rs. 10,00,000/- was as per the letter dated 07.01.2005 of the Director, Medilink Healthcare Centre, conducted only on 13.04.2004 and its report was delivered on 15.04.2004, both dates falling after the death of Sri Prosenjit Das on 10.04.2004, thereby establishing that the special investigation relied upon could not have been, and was not, conducted during the lifetime of the life assured; and

(v) there existed no plausible reason for Sri Prosenjit Das, himself an agent of the Corporation entitled to procure a policy on his own life directly and in his own name, to route half a dozen proposals of substantial value through another agent, thereby forfeiting his own commission. Strange nominations are a pointer to implicit moral hazard, and here the Sri Prosenjit Das nominated a distant cousin in preference to his surviving parents and sisters; that these circumstances, taken cumulatively with the above reports, establish that the Appellant, through deceitful machination, attempted to defraud the Corporation, no other person having been involved in the transaction; and that, applying the standard of preponderance of probability applicable to disciplinary proceedings, the findings of the Disciplinary Authority are fully justified and the Appeal deserves to be dismissed; and

(vi) in support of the above propositions, reliance has been placed on: Lallan Prasad v. Steel Authority of India Ltd., W.P.(S) No. 4095 of 2016, decided on 30.06.2017 (High Court of Jharkhand at Ranchi); Lala Thakur v. Union of India, O.A. No. 050/00214/2022, decided on 21.02.2024 (Central Administrative Tribunal, Patna Bench); Shikhar Chand Falodia v. Sushil Kumar Sanganeria, 2003 SCC OnLine Gau 37 : (2004) 2 Gau LR 256 (High Court of Gauhati); Reliance Life Insurance Co. Ltd. v. Jaya Wadhwani, (2024) 2 SCC 427 (Supreme Court of India); and West Bokaro Colliery (TISCO Ltd.) v. Ram Pravesh Singh, (2008) 3 SCC 729 (Supreme Court of India). Reference to the above legal precedence was brought in by LIC counsel during his arguments and I find considerable merit therein.

E. CONSIDERATION AND REASONS

(24) I have given thorough and dispassionate consideration to the entirety of the record, including the pleadings and annexures filed by both parties, the deposition of Dr. Alok Kumar Chowdhury, and the rival contentions advanced in the written notes of submissions. The issues that arise for determination, and my findings thereon, are set out issue-wise hereunder.

I. *Whether the Opinion of the GEQD could be acted upon in the absence of examination of its author*

(25) The Appellant's principal contention is that the GEQD's Opinion, being an expert opinion within the meaning of Section 45 of the Evidence Act, required to be proved through the testimony of its author, and that, this not having been done; the Opinion could not be treated as substantive proof of forgery.

(26) I am unable to accept this contention, for more than one reason. First, it is well settled that the strict rules of the Indian Evidence Act, 1872, do not apply in their entirety to a domestic or departmental disciplinary proceeding, which is required only to observe the principles of natural justice and to afford a fair opportunity to the delinquent to meet the case against him. Second, and in any event, the opportunity contemplated by the Appellant was, on the facts of this case, very much available to him and was never availed. The covering letter forwarding the GEQD's Opinion itself recorded, in terms, that summons could be got issued in the name of the concerned Assistant Government Examiner should evidence be considered necessary. The Appellant was furnished a copy of the Opinion as early as 05.03.2013. He was thereafter granted a blanket liberty by the Hon'ble High Court, vide order dated 27.08.2013, to call *"any witness"* relevant to the issues arising in the proceedings. At no stage — not before the Disciplinary Authority in 2013, not before the Hon'ble High Court, did the Appellant ever seek to summon, examine or cross-examine the author of the GEQD Opinion, nor did he take any formal exception to the Opinion on record. Having failed to avail of a remedy that lay squarely within his own hands and was expressly pointed out to him, the Appellant cannot now be heard to contend that the Opinion stands vitiated for want of an opportunity that he himself declined to exercise.

This view is fortified by Lala Thakur v. Union of India, O.A. No. 050/00214/2022, decided on 21.02.2024, where the Central Administrative Tribunal, Patna Bench, held, at paragraph 50, that an expert opinion report of the GEQD/Central Forensic Science Laboratory can be relied upon even without its author being produced, examined or cross-examined in the inquiry, so long as the delinquent's case does not involve any allegation of malice or enmity against the expert, since, under Sections 45 and 47 of the Evidence Act, expert opinion is itself a relevant fact and is admissible as documentary evidence. It is equally fortified by Lallan Prasad v. Steel Authority of India Ltd., W.P.(S) No. 4095 of 2016, decided on 30.06.2017, where the Jharkhand High Court held that forensic findings from a recognised Government institution such as the Directorate of Forensic Science are the result of well-recognised and established scientific processes and cannot be summarily rejected or ignored.

(27) I find, therefore, that the GEQD's Opinion dated 12.07.2006, being the opinion of a specialised scientific wing of the Central Government arrived at upon a comparison of admitted and questioned writings, and remaining unrebutted and unchallenged to this date despite full and repeated opportunity to the Appellant to challenge it, was rightly relied upon by the Disciplinary Authority, and continues to be entitled to acceptance.

II. *Whether the evidence of Dr. Alok Kumar Chowdhury displaces the finding based on the GEQD Opinion*

(28) The additional evidence of Dr. Alok Kumar Chowdhury, recorded pursuant to the liberty granted by the Hon'ble High Court, is the principal plank on which the Appellant now seeks to reopen the finding of forgery. It is contended that the Corporation, having failed to confront the witness in cross-examination with its

case that the signatures on the proposal forms were forged, is bound, on the principle of A.E.G. Carapiet, to accept his evidence that Sri Prosenjit Das signed the proposal forms in his presence.

(29) I am unable to accept this contention either. The evidence of Dr. Chowdhury, even taken at its highest, is evidence of a medical examiner that a person, who identified himself before him as Sri Prosenjit Das, signed certain papers in his presence, a solitary transaction that Dr. Chowdhury purports to recall after a lapse of over twenty-two years. No material has been placed to show that Dr. Chowdhury was, in the ordinary course of business or otherwise, acquainted with the signature or handwriting of Sri Prosenjit Das within the meaning of Section 47 of the Evidence Act, nor that he had any means of verifying the identity of the person who appeared before him beyond that person's own say-so. His evidence, therefore, even if wholly accepted, establishes no more than that some individual represented himself to be Sri Prosenjit Das; it does not, and cannot, establish that the signatures appearing on the six questioned proposal forms were, in point of fact, made by Sri Prosenjit Das, a matter that turns on a scientific comparison of handwriting and lies squarely within the domain of the GEQD's Opinion.

(30) The two pieces of evidence, in other words, operate in different fields, and the principle in A.E.G. Carapiet, which requires a party's material case to be put to a witness in cross-examination failing which the witness's testimony on that point is taken as unchallenged, cannot be stretched to convert evidence of identity, itself of doubtful foundation, into a rebuttal of an independent scientific finding as to authorship of a signature. I am, in any event, not persuaded that any prejudice results to the Appellant on this score, since the Corporation's case has, from its very inception, rested upon the GEQD's Opinion and the surrounding

documentary circumstances rather than upon any positive case sought to be built through Dr. Chowdhury.

(31) As regards the report of Sri Purushottam Chatterjee, I find no infirmity in the view taken by the Disciplinary Authority in declining to act upon it. Sri Chatterjee is admittedly not a Government-recognised Examiner of Questioned Documents; his report was procured after the death of Sri Prosenjit Das in circumstances that remain unexplained; and, despite ample opportunity, including the liberty to call any witnesses, he was never produced, either before the Disciplinary Authority or before the undersigned, to prove or support his own report on oath. A report that is not proved by its author, and that proceeds to controvert a reasoned scientific opinion of a Central Government forensic agency, cannot be accorded any evidentiary value, and I decline to act upon it.

III. *The diversion of premium from the deposit of Sri R.L. Gupta*

(32) It is not in dispute, indeed it stands admitted in terms in the Appellant's own Note of Submissions that no deposit or consideration money was ever made or paid by the proposer, Sri Prosenjit Das, and that the premium in respect of all six policies was adjusted from the deposit of another client, Sri R.L. Gupta, for whom the Appellant was also the agent. I find this admission to be of considerable significance. An agent who receives money from a client for the specific purpose of procuring that client's own policy has no authority, under the applicable Rules, Regulations and circulars governing agents (including Clause 9 of the Circular for New Business for 2003-04 dated 11.02.2004), to divert or adjust that money towards a policy for an altogether different person, without the knowledge and consent of the client whose money is so used. Nothing on record suggests that Sri R.L. Gupta's consent was obtained for such diversion.

(33) The submission that the Corporation's verifying officials had knowledge of the said adjustment at the time of scrutiny, as recorded in the Proposal Review Slip, and consequently accepted the proposals without objection, does not, in my view, cure this impropriety or estop the Corporation from treating it as a relevant circumstance. As is the general practice in LIC branches, in almost all cases, the individual doing data entry for the proposal review slip and the person underwriting the proposal is not the same person. Also, the keying-in person is generally not an underwriting expert. An internal lapse on the part of verifying staff to raise a contemporaneous objection cannot validate a transaction that, on the Appellant's own showing, involved the unauthorised use of one client's money to purchase a policy for another, without that client's knowledge; if anything, it demonstrates the ease with which the Appellant was able to manipulate the process to his advantage. I find this circumstance to be a strong pointer, corroborative of, rather than isolated from, the finding of fraud.

IV. *The date of registration of the policies*

(34) It is equally an admitted position, again borne out by the Appellant's own case, that the policies were registered on 16.04.2004, six days after the death of Sri Prosenjit Das on 10.04.2004, notwithstanding that the proposals bear the date 25.03.2004 and the Premium Receipts bear the date 31.03.2004. The Appellant's explanation, that the relevant date for all purposes is the date of payment/acceptance (31.03.2004) rather than the date of registration (16.04.2004), does not commend itself to me. The dating back of proposals and premium receipts to the last date of a financial year is, as is well known, and as the Appellant's own submission acknowledges, an administrative practice adopted for the limited purpose of securing business for that financial year; it does not, and cannot, alter the fact that the policies were, in point of actual fact, registered

and brought into existence only on 16.04.2004 – a date on which the proposer was no longer alive. Indeed, the Appellant's own Note admits that the Policy Review Sheet "appear[s] to have been prepared on 16th April, 2004", which is itself six days after the death of Sri Prosenjit Das; this admission, taken together with the admitted ante-dating of the proposal and premium receipts, fortifies, rather than detracts from, the finding of the Disciplinary Authority. This conclusion is further fortified by the law laid down by the Hon'ble Supreme Court in Reliance Life Insurance Co. Ltd. v. Jaya Wadhwani, (2024) 2 SCC 427, following LIC v. Dharam Vir Anand, (1998) 7 SCC 348, and LIC v. Mani Ram, (2005) 6 SCC 274,(legal precedence brought in during the argument by LIC counsel and found relevant)that the date of issuance of a policy is the relevant date for all purposes and not the date of proposal or of the initial receipt, and that this holds true even where the policy has been dated back. Applying that principle, it is the date on which the proposals were actually registered, namely 16.04.2004, and not the ante-dated 31.03.2004 appearing on the Premium Receipts, that is the relevant date for the present purpose – and that registration date falls admittedly after the death of Sri Prosenjit Das.

(35) I also do not find any merit in the suggestion that it was not the Appellant's responsibility to intimate the Corporation of the death of the life assured. As the agent through whom the proposals were procured, and given his admitted proximity to the transaction, the Appellant was under a continuing obligation to keep the Corporation informed of material facts, including the death of the person whose life was proposed to be assured; his failure to do so, particularly when the proposals came to be registered only after such death, is a further circumstance that weighs against him.

V. *The medical examination and the post-death special investigation*

(36) The Appellant has placed considerable reliance on medical papers dated 12.03.2004 and 25.03.2004, said to have been issued by empanelled doctors of the Corporation, to contend that Sri Prosenjit Das was, in fact, medically examined during his lifetime, and that the letter dated 07.01.2005 of the Director, Medilink Healthcare Centre recording that the ECG and other special medical investigation were conducted only on 13.04.2004 and the report delivered on 15.04.2004, i.e., after the death of Sri Prosenjit Das on 10.04.2004 is an inherently impossible and unreliable document that ought not to have been preferred over the earlier reports.

(37) I have examined this contention with care, since, if accepted at face value, it would suggest an internal contradiction in the Corporation's own record. On a closer examination of the Proposal Review Slip itself — a document that forms part of the Appellant's own annexures — I find that, in respect of the policy proposed for a Sum Assured of Rs. 10,00,000/-, the Slip expressly called for "Special Reports" including, in terms, an ECG, Hemogram and ELISA for HIV, over and above the routine medical examination already recorded on 25.03.2004. This is consistent with ordinary underwriting practice, under which a proposal for a higher Sum Assured attracts additional special investigations beyond the basic medical examination. It is precisely such special investigation the ECG and other special tests referred to in the letter dated 07.01.2005 that, per the Corporation's own contemporaneous record, could only be, and was in fact, conducted on 13.04.2004, three days after the death of Sri Prosenjit Das on 10.04.2004. In hospitals and diagnostic centres, medical documents and evidence as sought by any authority are provided by administrative staff only and not by the attending doctor or lab technician and the same is furnished on the basis of

office record only. Herein also, I find no reason to doubt the competence of the director of Medilink to furnish information sought by LIC of India.

(38) Far from being an inherently impossible or fabricated document, therefore, the letter dated 07.01.2005 is entirely consistent with, and indeed explained by, the Appellant's own annexure calling for the special investigation in the first place. What it establishes, in my view, is that the underwriting formalities in respect of at least the policy for Rs. 10,00,000/- had not been completed during the lifetime of Sri Prosenjit Das, and that the special investigation said to have been carried out was, on the Corporation's own showing, conducted after his death, a circumstance that could only have come about if the proposal papers continued to be processed, and further steps taken thereon, in the name of a person already deceased. This is a further and independent circumstance, over and above the GEQD's finding that points to the fabrication of the underlying transaction and I find that the Disciplinary Authority did not err in relying upon it.

(39) As for the earlier medical papers dated 12.03.2004 and 25.03.2004, I note that none of the doctors said to have signed them Dr. Alok Kumar Chowdhury apart, whose evidence I have dealt with above was produced to prove the same on oath, despite ample opportunity; and, in any event, their existence does not answer the more fundamental difficulty that the special investigation necessary for completion of the underwriting of the largest of the six policies could not, and did not, take place before the death of the life assured.

VI. *Motive and Surrounding Circumstances*

(40) I find considerable force in the submission that no plausible explanation has been placed on record for why Sri Prosenjit Das himself being an agent of the Corporation, who was at liberty to procure a policy on his own life directly and

in his own name without any embargo from IRDAI, and who would, by routing the proposals through another agent, forfeit the commission that would otherwise have accrued to himself would have chosen to route as many as six proposals of substantial aggregate value through the Appellant.

Nor has any explanation been offered as to why Sri Prosenjit Das, survived by his father, mother and two sisters, chose to nominate a distant cousin, Sri Biswajit Das, in preference to his immediate family, under all six policies. Each of these circumstances, taken singly, might perhaps admit of an innocent explanation; taken cumulatively, however, together with the unrebutted GEQD Opinion, the diversion of a third party's funds, the post-death registration of the policies, and the post-death special medical investigation, they present a consistent and coherent picture that does not admit of any reasonable explanation consistent with the Appellant's innocence.

VII. *The applicable standard of proof*

(41) I agree with the submission made on behalf of the Respondent Corporation that the standard of proof applicable to a disciplinary proceeding of this nature is the preponderance of probability, and not proof beyond reasonable doubt as in a criminal trial. Judged by that standard, and for the reasons set out above, I find that the material on record, principally the unrebutted GEQD Opinion, the admitted diversion of a third party's funds, the admitted post-death registration of the policies, the demonstrably post-death special medical investigation, and the unexplained surrounding circumstances amply establishes, on a preponderance of probability, that the six proposals in question were not genuinely procured by Sri Prosenjit Das, and that the Appellant was a party to, and the principal beneficiary of, the fraudulent transaction. This approach

accords with the law laid down by the Hon'ble Supreme Court in West Bokaro Colliery (TISCO Ltd.) v. Ram Pravesh Singh, (2008) 3 SCC 729, where it was held, at paragraph 20, that the standard of proof in a departmental proceeding is preponderance of probabilities and not proof beyond reasonable doubt, and, at paragraph 21, that where two views are possible on the evidence on record, a reviewing authority ought to be slow in substituting its own view for that arrived at in the domestic proceeding.

VIII. *Procedural fairness*

(42) I have also considered whether the Appellant has, in the course of these protracted proceedings spanning two decades, been denied any opportunity to which he was entitled. On a review of the record, I find that he has not. The proceedings were, on the specific direction of the Hon'ble High Court, reopened from the stage after his reply; all documents relied upon by the Corporation were furnished to him; he was granted a blanket liberty to call any witness relevant to the proceedings, which liberty was availed of, and pursuant to which the evidence of Dr. Alok Kumar Chowdhury has been recorded and duly considered above; he was afforded successive personal hearings, including the personal hearing held on 27.09.2016 pursuant to the specific direction of the Hon'ble High Court, at which his oral submissions were recorded verbatim and his 47-page written statement was considered in its entirety; and he has now, on remand, been afforded a further opportunity to place written submissions, which have been considered along with the Respondent Corporation's reply thereto in the present order. I find no residual grievance of denial of a fair hearing that survives for consideration.

F. CONCLUSION AND ORDER

(43) For the reasons set out above, I find that the Disciplinary Authority correctly appreciated the evidence and other material on record, correctly applied the standard of proof applicable to disciplinary proceedings, and afforded the Appellant full and repeated opportunity to defend himself, of which the Appellant did not avail himself except to the limited extent noted above. The finding that the Appellant, through deceitful machination, attempted to defraud the Corporation is amply borne out by the unrebutted opinion of the GEQD, the Appellant's own admissions regarding diversion of a third party's funds, the post-death registration of the policies, the post-death special medical investigation, and the unexplained surrounding circumstances. I find no infirmity, legal or factual, in the order dated 30.09.2013 passed by the Disciplinary Authority, and no extenuating circumstance has been shown that would warrant any interference with the penalty imposed thereby, which I find to be just, proper and proportionate to the gravity of the misconduct established.

(44) I have also considered, and find no merit in the Appeal, the several procedural and evidentiary objections raised on behalf of the Appellant in his Note of Submissions, for the detailed reasons recorded issue-wise above.

(45) I have, in addition, specifically recorded and considered the additional evidence of Dr. Aloke Kumar Chowdhury relied on by the Appellant and submission along with the decisions citied by the Appellant in their Written Notes on Argument as well as the submissions and decisions cited on behalf of the Respondent Corporation in its Short Written Notes of Submissions, namely: Lallan Prasad v. Steel Authority of India Ltd., W.P.(S) No. 4095 of 2016, decided on 30.06.2017 (High Court of Jharkhand at Ranchi); Lala Thakur v. Union of India, O.A. No. 050/00214/2022, decided on 21.02.2024 (Central Administrative

Tribunal, Patna Bench); Shikhar Chand Falodia v. Sushil Kumar Sanganeria, 2003 SCC OnLine Gau 37 : (2004) 2 Gau LR 256 (High Court of Gauhati); Reliance Life Insurance Co. Ltd. v. Jaya Wadhwani, (2024) 2 SCC 427 (Supreme Court of India); and West Bokaro Colliery (TISCO Ltd.) v. Ram Pravesh Singh, (2008) 3 SCC 729 (Supreme Court of India). Each of the said decisions has been dealt with and applied at the appropriate place in the discussion above – respectively, on the question of reliance upon the GEQD's Opinion without examination of its author, on the probative value of unsworn testimony, on the relevant date of registration of a dated-back policy, and on the standard of proof applicable to disciplinary proceedings and, taken together, they fully support the conclusions recorded in this order.

IN THE RESULT, the Appeal dated 28.12.2013, preferred by Sri Vijay Agarwal against the order dated 30.09.2013 passed by the Disciplinary Authority, is hereby REJECTED, and the said order dated 30.09.2013, terminating the Appellant's agency with forfeiture of renewal commission, stands AFFIRMED and UPHELD.

Let a copy of this order be communicated to the Appellant through his Ld. Advocate, and to the Disciplinary Authority, KSDO, for information and necessary action.

Dated at Kolkata, this 20th day of September, 2026

Zonal Manager
(Appellate Authority)