

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.18767 of 2014 and
M.P.No.1 of 2014

S.Srinivasan

...Petitioner

Vs.

Life Insurance Corporation of India
Rep. by its Zonal Manager,
LIC Building,
Anna Salai, Chennai - 600 002.

...Respondent

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Declaration, declaring the action of the respondent in not calling the petitioner for written test and interview pursuant to the application dated 01.06.2011 for the post of Peon is illegal arbitrary and contrary to the Scheme framed and recorded by the Honourable Supreme Court in Civil Appeal No.953-968 of 2005 dated 18.01.2011 and orally denying employment to the petitioner from 1.10.2013 as in violation of Section 25F of the I.D. Act 1947 and consequently direct the respondent to call the petitioner for written test and interview and appoint him in the post of Peon with back wages , continuity of service and all other attendant benefits.

For Petitioner : Mr.Balan Haridas

For Respondents : Mr.C.K.Chandrasekar

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O R D E R

The petitioner was appointed by the Kondi Chetty Street Branch of Life Insurance Corporation of India as temporary staff. The initial appointment was on 12.04.2005. The said branch was shifted subsequently. The petitioner thereafter worked under City Branch No.XII, Armenian Street from 2007 till 2011. He continued to work upto 01.10.2013.

2. While so, Life Insurance Corporation of India, pursuant to the agreement reached before the Supreme Court in Civil Appeal Nos.953 to 968 of 2005, issued a notification for absorption of temporary appointees subject to undergoing written test. As per the notification, temporary staff should have worked for a minimum period of five years. Even though the petitioner was qualified to undergo selection process, he was not permitted to write the written examination. The petitioner has therefore come up with this writ petition.

3. The respondent filed a counter affidavit in answer to the contentions raised in the affidavit filed in support of the writ petition. According to the respondent, the petitioner has not approached the Corporation for permitting him to write the written examination. The respondent further contended that there is no documentary evidence to show that the petitioner was on roll as a daily wage for a period of five years.

4. Heard the learned counsel for the petitioner and the learned counsel on behalf of the respondent.

5. There is no dispute that the Scheme framed by the respondent for absorption of temporary staff contained a condition that the appointee should have worked for a minimum period of five years. The petitioner has produced a certificate dated 31.05.2011 issued by the Life Insurance Corporation of India, Armenian Street Branch, indicating that he has worked for a period of 5 years 9 months and 6 days. The petitioner is therefore perfectly correct in his contention that he is eligible to write the examination for absorption in Life Insurance Corporation of India. I am therefore of the view that appropriate direction should be issued to the respondent to conduct written test in accordance with the Regulations for the purpose of considering the suitability of the petitioner for absorption, taking into account the certificate dated 31.05.2011.

6. In the result, a writ in the nature of writ of mandamus is issued, directing the respondent to consider the case of the petitioner for absorption in the light of the certificate dated 31.05.2011. It is needless to point out that the petitioner should also undergo the written test as specified in the notification issued for absorption. Such exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

7. The writ petition is allowed to the extent indicated above. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

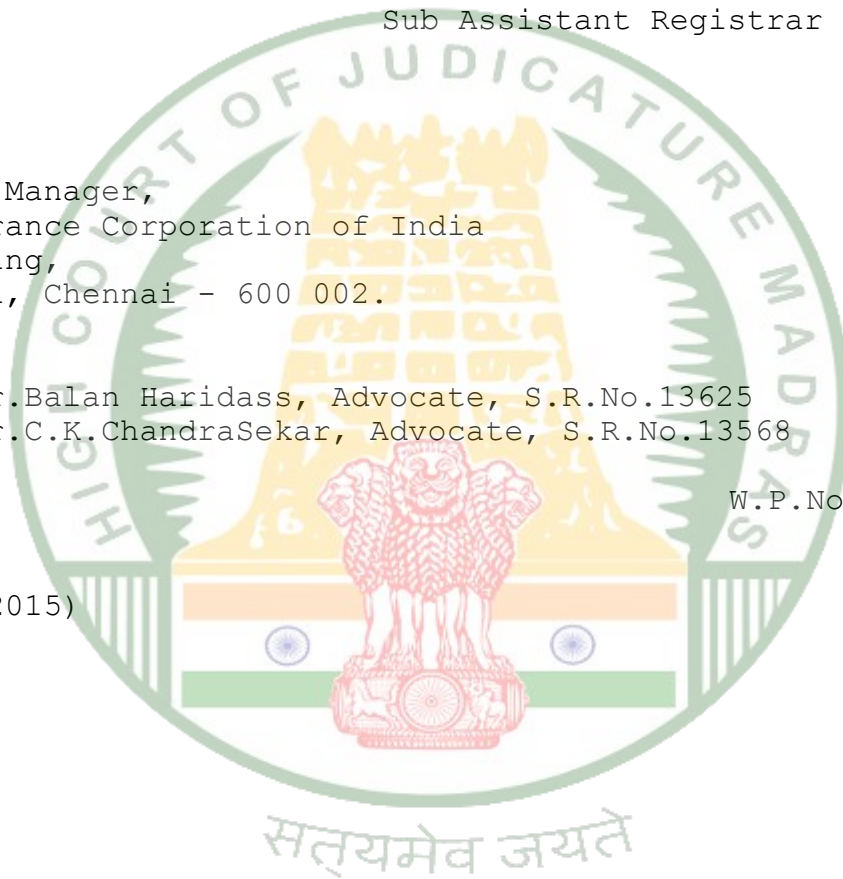
To

The Zonal Manager,
Life Insurance Corporation of India
LIC Building,
Anna Salai, Chennai - 600 002.

+1cc to Mr.Balan Haridass, Advocate, S.R.No.13625
+1cc to Mr.C.K.ChandraSekar, Advocate, S.R.No.13568

W.P.No.18767 of 2014

KK(CO)
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