

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.17126 of 2012 and
M.P.No.1 of 2012

C.Ramamurthy

...Petitioner

Vs.

- 1.Life Insurance Corporation of India
Rep. by Executive Director (Personnel)
5th Floor, West Wing,
Personnel Department,
Yogakshema, Jeevan Bima Marg,
Mumbai 400 021.
- 2.Life Insurance Corporation of India,
Rep. by its Zonal Manager,
LIC Building, Anna Salai, Chennai - 600 002.
- 3.Chief Manager,
Life Insurance Corporation of India,
Bye-Pass Road,
Hosur 635 100.

...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Declaration, declaring the action of the respondents in not calling the petitioner for written examination on 26.06.2011 pursuant to the application dated 30.05.2011 for the post of Peon and ultimately denying employment orally from 01.03.2012 as illegal and consequently direct the respondents to hold written examination and interview for the petitioner to the post of Peon in the available vacancy and consider the appointment of the petitioner in the post of Peon.

For Petitioner : Mr.Balan Haridas

For Respondents : Mr.V.Parthiban

O R D E R

The petitioner was appointed as a temporary sub-staff and he was posted at Hosur Branch of Life Insurance Corporation of India. The petitioner has worked continuously for 10 years.

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 respondents filed a counter affidavit in answer to the contentions raised in the affidavit filed in support of the writ petition. According to the respondents, the petitioner has not approached the Corporation for permitting him to write the written examination. The respondents 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 respondents.

5. There is no dispute that the Scheme framed by the respondents 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 24.06.2011 issued by the Life Insurance Corporation of India, Salem Division, indicating that he has worked for a period of 5 years 9 months. 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 second 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 24.06.2011.

6. In the result, a writ in the nature of writ of mandamus is issued, directing the second respondent to consider the case of the petitioner for absorption in the light of the certificate dated 24.06.2011. 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.

-s/d-

Assistant Registrar()

True Copy

Sub-Assistant Registrar

To

- 1.The Executive Director (Personnel)
Life Insurance Corporation of India
5th Floor, West Wing,
Personnel Department,
Yogakshema, Jeevan Bima Marg,
Mumbai 400 021.
 - 2.The Zonal Manager,
Life Insurance Corporation of India,
LIC Building, Anna Salai, Chennai - 600 002.
 - 3.Chief Manager,
Life Insurance Corporation of India,
Bye-Pass Road,
Hosur 635 100.
- + 1 cc to Mr.Balan Haridas, Advocate SR 17684
- + 1 cc to Mr.V.Parthiban, Advocate SR 17732

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सत्यमेव जयते

W.P.No.17126 of 2012

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