

HON'BLE SRI JUSTICE R.SUBHASH REDDY
AND
HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

WRIT APPEAL No.978 of 2015

JUDGMENT : (per Hon'ble Sri Justice R.Subhash Reddy)

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This Writ Appeal, under Clause 15 of Letters Patent, is filed by the appellant/writ petitioner aggrieved by the order dated 30.09.2015 passed by the learned single Judge in W.P.No.31662 of 2015.

2 . In the aforesaid writ petition, the appellant sought for a direction by way of *Mandamus* to declare the action of the respondents in not receiving the application of the appellant for absorption as per the Notification dated 21.07.2015 in spite of his suitability and eligibility, as illegal and arbitrary.

3. The respondent-Life Insurance Corporation of India has issued a Notification dated 21.07.2015 in compliance with the orders passed by the Hon'ble Supreme Court in Civil Appeal No.6950 of 2009 and batch, dated 18.03.2015 in the case of "TAMIL NADU TERMINATED FULL TIME TEMPORARY LIC EMPLOYEES ASSOCIATION Vs. LIC OF INDIA AND OTHERS", to implement the Award dated 18.06.2001 in I.D.No.27 of 1991 passed by the Central Government Industrial Tribunal, New Delhi. It is the grievance of the appellant that though he is eligible for absorption as per the guidelines notified, his application for absorption is not being considered only on the ground that the respondent-Corporation has not received such application on or before 21.08.2015, since as per the Notification dated 21.07.2015, the applications received after 21.08.2015 will not be considered.

4. In the instant case, it is the case of the appellant that he has sent his application by ordinary post on 16.08.2015, but it was returned with an endorsement "Door closed" on 14.09.2015. In W.P.No.31662 of 2015, the learned single Judge mainly rejected the claim of the appellant on the ground that the Postal authorities were not made parties to the writ petition and the writ petition was filed on 28.09.2015 i.e., long after the last date of receipt of the applications.

5. On the last occasion, the matter was adjourned to enable the learned Standing Counsel for the respondent-Corporation to get instructions as to whether the applications were processed as per the Notification dated 21.07.2015.

6. On instructions, it is submitted by Sri Bathula Raj Kiran, learned Standing Counsel for the respondent-Corporation, that the applications are still under process and as the application of the appellant was not received within the time prescribed in the Notification, the appellant is not entitled for consideration of his case.

7. It is clear that the last date for receipt of applications is 21.08.2015 and the appellant has sent his application well in advance on 16.08.2015. The material placed before this Court clearly indicates that though such application was sent by the appellant on 16.08.2015, the same was returned by the Postal authorities only on 14.09.2015 with an endorsement "Door closed". Merely because an endorsement is there and as the appellant has sent his application well in advance on 16.08.2015, there is no reason in denying consideration of his case for absorption as per the Notification dated 21.07.2015.

8. As it is represented by the learned Standing Counsel for respondent-Corporation that the applications are still under process and in view of the claim of the appellant that he has fulfilled the eligibility criteria for absorption prescribed in the aforesaid Notification, we deem it appropriate to dispose of this Writ Appeal, setting aside the impugned order dated 30.09.2015 in W.P.No.31662 of 2015, permitting the appellant to send a fresh application by enclosing all

the required documents through registered post with acknowledgement due within a period of three days from today. On receipt of such application, the same shall be considered treating the said application as within time as per the Notification dated 21.07.2015. It is made clear that consideration of such application of the appellant shall be subject to the fulfillment of the eligibility criteria prescribed in the aforesaid Notification, except the condition of receipt of application on or before 21.08.2015.

9. Subject to the above directions, the Writ Appeal is disposed of, at the admission stage. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

02.12.2015.

NOTE: Issue C.C. by 03.12.2015.

(B/O)

Msr

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