

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.31662 of 2015

Order:

Heard Smt. Anitha Swain, learned counsel appearing for the petitioner and Sri Bathula Raj Kiran, learned Standing Counsel for Life Insurance Corporation of India (LIC)-respondents 1 to 3.

2. This writ petition is filed to declare the action of the respondents-Corporation in not receiving the application of the petitioner for absorption as per Notification dated 21-7-2015 inspite of petitioner's suitability and eligibility as illegal, arbitrary and violative of Article 14 of the Constitution of India and consequently direct the respondents-Corporation to receive and consider the application of the petitioner for absorption as per his eligibility and entitlement.

3. It is submitted by the learned counsel appearing for the petitioner that the petitioner was appointed as a Temporary Assistant by the 3rd respondent on 29-3-1988 in Branch XI of Hyderabad for a period of 41 days initially on basic pay of Rs.520/-. He worked for 41 days initially and was terminated from service on 17-5-1988. He was again reappointed as Temporary Assistant for 41 days on 13-5-1988 and was terminated on 29-6-1988. Thereafter, he rejoined as Apprentice Development Officer in the respondents-Corporation on 18-8-1988. It is further submitted that as per the judgment of the Supreme Court in Civil Appeal No.6950 of 2009 and batch, dated 18-3-2015 (*Tamil Nadu Terminated Full Time Temporary LIC Employees' Association v. LIC of India*), he is entitled for regularisation as he worked for a period of 85 days. According to

the petitioner and as per the judgment of the Supreme Court, a scheme was laid and Notification was issued on 21-7-2015 inviting applications from the eligible candidates. The last date of receipt of applications is 21-8-2015. The version of the petitioner is that he sent the application well in advance but the same was returned by the Postal authorities on 14-9-2015 with endorsement "*Post Box D/C (Door Closed)*". The petitioner, therefore, filed the present writ petition to issue a direction to the respondents-Corporation to receive the application of the petitioner.

4. The Postal cover filed along with the writ petition does not indicate that the said cover was returned on 15-9-2015. The Postal authorities were not made parties to the writ petition. Therefore, the last date of receiving the applications is 21-8-2015 and the writ petition is filed on 28-9-2015 i.e. long after the last date of receipt of the applications.

5. In view of the above, the relief prayed for by the petitioner in the present writ petition cannot be granted. The writ petition is, therefore, dismissed at the stage of admission. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

R.KANTHA RAO, J.

30th September, 2015.

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