

HONOURABLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE NO.2255 OF 2014

Date: 04.12.2015

Between :

P.V.S.S.Sarma, S/o late P.Krishna Murthy,
Aged about 43 years, R/o. 4-11-52/52,
S.R.K.Nagar, Hayathnagar, Hyderabad and
another.

.... Petitioners/

writ petitioners 1 and 8

And

Shri S.K.Roy, Chairman of Life Insurance
Corporation of India, Yogakshema Jeevan
Beema Marg, Mumbai and two others.

.... Respondents/

respondents

This Court made the following :

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ORDER:

There was earlier round of litigation which went up to the Supreme Court. During the pendency of the appeal before the Supreme Court, on behalf of the Life Insurance Corporation of India (LIC), it was stated that the LIC has formulated a scheme where under all eligible temporary Class-IV employees as also the open market candidates who had taken the examination for recruitment as Class-IV employees in the year 1996 and were respondents in the appeal pending before the Supreme Court would be absorbed subject to fulfilment of the terms of the scheme. The terms of the scheme were extracted in the order of Supreme Court in Civil Appeal Nos.953 - 868 of 2011. Insofar as the petitioners are concerned, who are the open market candidates, para-8 of the order is relevant. It reads as under:

“8. In so far as open market candidates who had appeared in the written test at the relevant time and who were successful in the same shall be called for interview along with the temporary employees. Such of those persons who shall be successful in the interview shall be offered appointment and the conditions as applicable to temporary persons in so far as offer of appointment shall be applicable to the open market persons as well. ”

2. Alleging that petitioners were not considered in terms of the undertaking given before the Supreme Court and that many available/ arising vacancies were not taken into consideration and raising several other issues regarding selections, petitioners filed W.P.No.2024 of 2012 along with other candidates. This Court disposed of the said writ petition by order dated 30.01.2012. In the operative portion of the order, there were two limbs; first limb relates to compliance of the directions of the Supreme Court and second limb relates to taking into consideration all the existing vacancies and the vacancies that would arise within a period of two years from the date of the judgment and that the petitioners and other candidates in the open market who were successful in the written test should be called for interview and accommodated. Aggrieved by the directions issued by the learned single Judge, W.A.No.268 of 2012 is filed by LIC. The Division Bench of this Court, by order dated 05.03.2012 in W.A.M.P.No.523 of 2012, suspended the second limb of

the order of the learned single Judge.

3. As a consequence to the suspension of the order of learned single Judge, LIC was required to comply with the directions as recorded by the Supreme Court, as extracted above, to the extent of consideration of the petitioners.

4. It is not disputed that the petitioners were considered as per the orders extracted above, but they were unsuccessful in the selections conducted. Alleging that the order of this Court is not complied with and consideration of the petitioners was not validly made, this Contempt Case is filed.

5. As seen from the order extracted above, what was required by LIC, in terms of the order of the Supreme Court was consideration of the petitioners as open market candidates in the selection process. Later limb of para-8 of the order of Supreme Court extracted above is applicable only if the candidates are successful in the interviews conducted and they have been offered appointment. In the instant case, petitioners were not successful in the interviews conducted. Whether petitioners were illegally not selected and selection process was vitiated by some procedural lapses are the matters which cannot be gone into in contempt case. If petitioners have a grievance on these aspects they have to work out their remedies in separate proceedings or in pending Writ Appeal as advised.

6. Having regard to the action taken by the respondent corporation, it cannot be said that they have violated the directions issued by this Court warranting initiation of proceedings under the Contempt of Courts Act, 1971. Hence, the contempt case is closed. It is always open to the petitioners to work out their remedies as available in law against their non-selection.

Miscellaneous petitions if any pending in the contempt case shall stand closed.

JUSTICE P.NAVEEN RAO

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