

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9652 of 2011

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Nagmani Shukla, son of Sri Madan Mohan Shukla, resident of Mohalla Mirjan Hat, P.S. Mozahidpur, District Bhagalpur, at present working as Daily Wages Class IV Employee of the Life Insurance Corporation of India, Divisional Office, Jeevan Prakash, Zero Mile, Bhagalpur

.... Petitioner

Versus

1. The Life Insurance Corporation of India, through its Zonal Manager, East Central Zone Jeevan Deep Building, Exhibition Road, Patna- 800001
2. Senior Divisional Manager, Life Insurance Corporation of India, Jeevan Prakash Divisional Office, New Zero Mile, Bhagalpur
3. Senior Divisional Manager, Life Insurance Corporation of India, Jeevan Prakash, Divisional Office, Umashankar Prasad Marg, Ramna Muzaffarpur- 842002
4. Executive Director (Personnel), Life Insurance Corporation of India, Central Office, 5th Floor West Wing, Yogakshema, Jeevan Bima Marg, Mumbai- 400021

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Kaushalesh Choudhary
For the Respondent/s : Mr. Rajeev Ranjan Prasad

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

13 05-05-2016 Heard Sri Kaushalesh Choudhary, learned counsel

for the petitioner and Sri Rajeev Ranjan Prasad, learned counsel,

who has appeared on behalf of all the Respondents/Life Insurance

Corporation of India.

The petitioner invoking writ jurisdiction of this Court under Article-226 of the Constitution of India, has made a prayer for directing the Respondents to ensure/proceed in accordance with judgment and order dated 18.01.2011 passed by the Hon'ble Apex Court in Civil Appeal (S) No. 953-968 of 2005.

The Hon'ble Apex Court by its order dated 18.01.2011 had disposed of the Appeals on the basis of affidavit filed on behalf of Life Insurance Corporation of India relating to regularisation of temporary Class-IV employees and also the candidates from open market.

A plea has been taken that though before the Apex Court by filing affidavit the Life Insurance Corporation of India had stated that 5000 vacancies of Class-IV employees all over India in the Life Insurance Corporation will be filled up from the temporary Class-IV employees, after disposal of the appeal by the Supreme Court, the Life Insurance Corporation of India changed its stand.

Learned counsel for the petitioner has placed reliance on Annexure-3 to the writ petition, whereby it was clarified that as one time measure, the eligible temporary Class-IV employees having requisite qualification and completed specified period will be given opportunity to participate in the selection process. He submits that similar stand was taken by Annexure-5 to the writ petition. However, subsequently by issuing Annexure-6 to the writ petition i.e. letter dated 27.03.2011, the Life Insurance Corporation of India enlarged the scope of applicants. He submits that besides temporary Class-IV employees, the Respondents also



invited applications from daily-wagers etc. He further submits that vide Annexure-7 to the writ petition, the temporary Class-IV employees were included with Watchman, Sweeper, Hamal, Gardener also, which was contrary to the instruction issued by the Life Insurance Corporation of India vide Annexure-8 to the writ petition. He submits that in terms of provisions contained in Life Insurance Corporation of India Staff Regulations 1960, the casual employees, part time employees, persons on contract basis and Work-charged employees were excluded from the category of temporary employees. Even the temporary employees, as per Regulations, were entitled to get the wages drawn as regular employees. Accordingly, it was argued that the Life Insurance Corporation of India has violated the direction of the Hon'ble Apex Court as well as its own instruction.

Sri Rajeev Ranjan Prasad, learned counsel for the Respondent/Life Insurance Corporation of India, at the very outset, submits that the writ petition has already become infructuous due to the reason that pursuant to advertisement issued in the light of the direction of the Hon'ble Supreme Court, the test was conducted and, thereafter, the Supreme Court itself had already permitted the Life Insurance Corporation of India to proceed with the selection process. He submits that in the selection



process, all the vacancies have already been filled up. He has specifically referred to Annexure-11, which has been brought on record by filing Interlocutory Application i.e. I.A. No.732 of 2012, i.e. an order dated 09.01.2012(running page at 110) and submits that once the Apex Court itself had permitted the Life Insurance Corporation of India to proceed with the selection process and in compliance with the order of the Apex Court, all the selection process have already been completed, naturally the writ petition has become infructuous.

Besides hearing learned counsel for the parties, I have also perused the materials available on record. It must indicate that even after noticing the order of the Apex Court i.e. Annexure-11 to the writ petition, which starts from page-108, the learned counsel for the petitioner has consumed much precious time of the Court. In normal course after noticing the order of the Apex Court, it was expected that the learned counsel for the petitioner may not further argue the case. Even thereafter he had consumed about 45 minutes of precious time of the Court. At this stage, it would be appropriate to quote relevant portion of the order dated 9th January,2011 of the Hon'ble Apex Court, which is quoted herein below:

“Nevertheless, we permit the petitioner-L.I.C.

of India to complete the process of regularization , stated to have been initiated in terms of our order dated 18th January, 2011 as expeditiously as practicable. According to Mr.U.U. Lalit, learned senior counsel appearing for the Corporation, tests for regularization have already been conducted in different States and 4,940 persons are in the select list.

In view of the order of even date passed in the transfer petitions, we do not propose to continue with this contempt petition and the same stands closed accordingly.”

Once, in compliance with the order of the Hon’ble Supreme Court dated 18.01.2011, the Life Insurance Corporation of India had proceeded with the selection/regularization process and the Life Insurance Corporation of India was permitted to proceed with the said process, there was no occasion for the petitioner to raise the issue before this Court. Once the selection process has been completed as per direction of the Hon’ble Supreme Court, naturally the writ petition has become infructuous.

The writ petition stands dismissed as the same has become infructuous.

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(Rakesh Kumar, J)