

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1879 OF 2014**

Life Insurance Corporation of India

..Petitioner

Vs.

Western Zone Insurance Employees Association

..Respondent

Mr. Sukanta Karmakar for the Petitioner

**Mr. Devendra Avhad a/w Mr. Tejas Lunia i/b Thodur Law Associates for
the Respondent**

CORAM : R. M. SAVANT, J.

DATE : 6th SEPTEMBER, 2016

P.C.

1 The Writ Jurisdiction of this Court is invoked against the order dated 26-2-2014 passed by the Learned Presiding Officer, CGIT-2 Mumbai by which order the first party i.e. LIC is directed to grant special leave to the Applicant (defense representative) on all dates and the first party is directed to pay TA and DA to him only for the effective dates of hearing as certified by the Tribunal.

2 The Applicant i.e. one Mr. C. S. Dalvi is the office bearer of the Western Zone Insurance Employees Association and has been attending the proceedings before the CGIT-2 Mumbai being Reference No.CGIT-2/6/2011 between the LIC of India and its workmen. The Applicant to attend the said hearing before the CGIT-2 Mumbai has to travel from Kudal, District Sindhudurg wherein he is presently posted to Mumbai to attend the hearing in

the said reference proceedings. In support of the said application, reliance was sought to be placed on the interim order passed by NIT Delhi. It seems that the said order passed by the NIT, Delhi was carried to the Delhi High Court which it seems set aside the said order.

3 In so far as the main reference pending before the NIT Delhi is concerned, the said reference has been disposed of giving rise to the proceedings before the Apex Court. The Apex Court has also disposed of the SLP and the judgment is reported in the matter of Tamil Nadu Terminated Full Time Temporary LIC Employees Association Vs. Life Insurance Corporation of India & ors.¹ However, in the instant case, the reference proceedings are pending before the CGIT-2 Mumbai and the concerned employee i.e. Mr. C. S. Dalvi is attending the same as a representative of the Western Zone Insurance Employees Association. It is required to be noted that the Petitioner has vide its letter dated 22-3-2000 address to the Regional Manger (P & IR) has issued instructions. The said letter discloses that the instructions have been issued to all zonal officers to allow special leave, TA and DA in accordance with the rank of two representative who would be appearing for the Union at the hearing of the proceedings CGIT 27 of 1991 i.e. the proceedings which were pending and in which the judgment of the Apex Court is reported.

4 In the light of the said instructions as also having regard to the

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fact that Mr. C. S. Dalvi is the office bearer of the Union in question which is before the CGIT-2 Mumbai, the order passed by the Learned Member of CGIT -2, Mumbai directing special leave and TA and DA to Mr. C. S. Dalvi, cannot be taken exception to. No case for interference is therefore made out. The Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]