

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.38141 of 2015

D.Sanjiv Kumar

... Petitioner

vs.

1. The Executive Director
(Personal Department),
Life Insurance Corporation of India,
Nariman Point, Mumbai,
Maharashtra State.

2. The Branch Manager,
Erode North Branch,
Life Insurance Corporation of India,
Erode.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the 1st respondent to consider the representation of the petitioner dated 15.08.2015 seeking deemed regularisation of his service till his superannuation on 15.10.2011 and to pay all the monetary benefits to the petitioner in accordance with law, within a stipulated time.

For Petitioner : Mr.I.C.Vasudevan

For Respondents : Mr.C.K.Chandrasekar

ORDER

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 1st respondent to consider the representation of the petitioner dated 15.08.2015 seeking deemed regularisation of his service till his superannuation on 15.10.2011 and to pay all the monetary benefits to him in accordance with law, within a stipulated time fixed by this Court.

2. According to the petitioner, he was appointed as an Assistant on 07.09.1992 at the 2nd respondent's office against a leave vacancy on temporary basis. Subsequently, he was transferred to Sivagiri Branch, Erode District. While so, the petitioner was relieved from duty on 30.12.1992 on the expiry of

85 days of continuous work. Further, according to the petitioner, the employees, who were appointed as temporary Assistant against the leave vacancies in various branches of L.I.C. and have been relieved after 85 days of continuous work have raised Industrial Disputes before the Central Government Tribunal, New Delhi, claiming reinstatement, regularisation, continuous service and other monetary benefits. The said matter went up to Hon'ble Supreme Court and by judgment dated 18.03.2015 passed in Civil Appeal Nos.6950 to 6956 of 2009, the same were allowed and directed the L.I.C. to observe the concerned workmen in the permanent work and if they have attained the age of superannuation, to pay all the consequential benefits including the monetary benefits taking into consideration the pay scale from time to time by the Corporation. According to the petitioner, he is also entitled for the said benefits. Hence, the petitioner sent a representation on 15.08.2015 to the 1st respondent to consider his claim as per the above judgment of the Supreme Court and to pay the monetary benefits to him by giving deemed regularisation of his service till his superannuation on 15.10.2011. But, the 1st respondent did not pass any order on the same. Hence the present Writ Petition.

3. Heard the learned Counsel for the petitioner and the learned Counsel who takes notice for the respondents.

4. Considering the facts and circumstances of the case and also considering the limited prayer made in the Writ Petition, without going into the merits of the claim made by the petitioner, this Court directs the 1st respondent to consider the representation of the petitioner dated 15.08.2015 on merits and in accordance with law and also in the light of the judgment passed by the Hon'ble Apex Court in Civil Appeal Nos.6950 to 6956 of 2009 dated 18.03.2015, within a period of six weeks from the date of receipt of a copy of this Order. It is made clear that this Court has not expressed any opinion regarding the merits of the claim of the petitioner. It is for the 1st respondent to decide the same on merits.

5. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Executive Director
(Personal Department),
Life Insurance Corporation of India,
Nariman Point, Mumbai,
Maharashtra State.
2. The Branch Manager,
Erode North Branch,
Life Insurance Corporation of India,
Erode.

+1cc to M/s. I.C. Vasudevan, Advocate, S.R.No.56619

+1cc to M/s. C.K. Chandrasekaran, Advocate, S.R.No.56617

RSK(CO)
EU(10/11/2016)

W.P.No.38141 of 2015



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