

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.12.2016

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Writ Petition No.466 of 2003

South Zone L.I.C. SC/ST Employees
Welfare Association,
Rep. by its General Secretary
D.Bharathidasan

...Petitioner

-Versus-

1. The LIC Housing Finance Ltd.,
Rep. by its Managing Director
Second Floor, Mumbai Life Insurance Building,
45/47, Veer Nariman Road,
Mumbai - 400 001.

2. The Regional Manager
LIC Housing Finance Ltd.,
Regional Office,
Anna Salai, Chennai-600 002.

... Respondents

Petition filed under Section 226 of the Constitution of India praying for issuance of a writ of mandamus, forbearing the respondents from appointing Junior Executive Assistants in the LIC Housing Finance Ltd., without giving reservation as per law to Scheduled Castes / Scheduled Tribes.

For Petitioner : Mr.K.Shanmugakani

For Respondents : Mr.S.Masilamani

ORDER

This writ petition has been filed seeking a writ of mandamus forbearing the respondents from appointing Junior Executive Assistants in the LIC Housing Finance Ltd., without giving reservation as per law to Scheduled Castes / Scheduled Tribes.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3. When the matter was taken up for hearing on 08.12.2016, Mr.K.Shanmugakani, learned counsel-on-record for the petitioner filed a memo dated 07.12.2016 stating that he has handed over the papers of the above writ petition to the parties with change of Vakalat long time back. Therefore, this Court directed the Registry to print the name of the petitioner in the cause list.

4. The name of the petitioner has been printed in today's cause list and when the matter was taken up for hearing, none appeared for the petitioner. Learned counsel appearing for the respondents was ready. Since this case is of the year 2003 and we are in the year 2016, this Court went into the records.

5. The petitioner is LIC SC/ST Employees' Welfare Association. The grievance of the petitioner is that there should be reservation for SC/ST candidates for the post of Junior Assistants in LIC Housing Finance Limited for recruitment in September 2002.

6. In the counter filed by the LIC Housing Finance Limited, it is contended that LIC of India has been established by an Act of Parliament, viz., Life Insurance Corporation of India Act, 1956, whereas, LIC Housing Finance Limited is a company registered under the Companies Act, 1956, in which LIC of India is having only 38.43% shares and the rest of the shares are held by others like UTI Bank, ICICI Bank, IDBI and the general public. In fact, the general public hold 19.77% of shares. It is also contended, in the counter that the object of LIC Housing Finance Limited is to do business in finance viz., lending money to borrowers. Therefore, it is their contention that they are not a state under Article 12 of the Constitution of India.

7. A similar petition was filed against LIC Housing Finance Limited in WP.No.35832 of 1994 before the High Court of Karnataka, wherein, it was contended that there should be reservation for Backward Class candidates. This contention was negated by the High Court of Karnataka by order dated 11.10.1995 holding that LIC Housing Finance Limited is not a state under Article 12 of the Constitution of India.

8. There appears to be much force in the submission of the respondents inasmuch as LIC Housing Finance Limited is only a company incorporated under the Indian Companies Act, 1956 for doing business in finance.

9. That apart, the petitioner has sought a direction in respect of selection that took place in the year 2002. It is seen that much water has flown under the bridge thereafter.

In view of the foregoing, this petition is dismissed.
No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. Managing Director
The LIC Housing Finance Ltd.,
Second Floor, Mumbai Life Insurance Building,
45/47, Veer Nariman Road,
Mumbai - 400 001.
2. The Regional Manager
LIC Housing Finance Ltd.,
Regional Office,
Anna Salai, Chennai-600 002.

+1CC Mr.S.Masilamani Advocate,SR 72576

W.P.No.466 of 2003

RSY (CO)
RMP (11/01/2017)

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