

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P. Nos.6335 and 4834 of 2016

1.A.Mohamed Azeem
2.M.Padmapriya
3.R.Ramarajan
4.P.Jeyaseelan
5.A.Arun
6.A.Dhanalakshmi
7.R.G.Devi Pradeepa
8.R.Ramesh
9.P.Veluchamy

.. Petitioners in WP.6335/2016

1.N.R.Govindaraj
2.D.Selvanathan
3.S.Marudhachala Moorthy
4.E.Raveendhar
5.B.Ananthan
6.S.Ashok Kandur
7.J.Sureshbabu
8.S.Manivanna
9.S.Hariprabu
10.S.Jayaseelan
11.C.Selvakumar
12.L.Vijai
13.J.Meera Rosline
14.N.Senthil
15.E.Sankar
16.C.Sivakumar
17.M.Sathiskumar
18.M.P.Musammil
19.S.Reni
20.R.Kavitha
21.P.Manoharan
22.C.M.Shakthivel
23.S.Mathi
24.S.Govindaraj
25.A.Palaniappan

.. Petitioners in WP.4834 / 2016

-vs-

- 1.Union of India,
rep. By The Secretary to Govt.,
Ministry of Finance,
Dept. of Financial Services.
III Floor, Jeevan Deep Building,
Parliament Street, New Delhi.
- 2.Life Insurance Corporation of India,
rep. By The Chairman,
'Yogakshema'', Jeevan Bima Marg,
Mumbai.
- 3.The Zonal Manager,
Southern Zonal Office,
Life Insurance Corporation of India
Building, 153, Anna Salai,
P.B.No.2450, Chennai. ... Respondents 1 to 3 in both WPs.
- 4.Senior Division Manager,
Life Insurance Corporation of India,
'Jeevan Prakash'', Bridge Station Road,
P.B.No.16, Sellur, Madurai.
- 5.Senior Division Manager,
Life Insurance Corporation of India,
P.B.No.776, Jonsonpet, Salem.
- 6.Senior Division Manager,
Life Insurance of Corporation of India,
'Jeevan Prakash'', P.B.No.183,
Tirunelveli. ... Respondents 4-6 in WP.6335/16
- 4.Senior Division Manager,
Life Insurance of Corporation of India,
'Jeevan Prakash'', Arcot Road,
Vellore Division, Vellore.
- 5.The Marketing Manager,
Life Insurance of Corporation of India,
'Jeevan Prakash'', Arcot Road,
Vellore Division, Vellore.
- 6.Senior Division Manager,
Life Insurance of Corporation of India,
'Jeevan Prakash'', Johnsonpet,
Divisional Office, Salem.
- 7.Senior Division Manager,
Life Insurance of Corporation of India,
'Jeevan Prakash'', Bridge Station Road,
Divisional Office, Madurai.

8.Senior Division Manager,
Life Insurance of Corporation of India,
Divisional Office, Palayamkottai,
Tirunelveli.

9.Senior Division Manager,
Life Insurance of Corporation of India,
India Life Building, Divisional Office,
Trichy Road (opp) Govt. Hospital,
Coimbatore.

.. Respondents 4-9 in WP.4834/16

Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent and quash Circular No.Per/ ER-A/110/ASP 2016 in clause 20 of the Life Insurance Corporation Development Officers (Revision of Terms and Conditions of Service) Amendment Rules, 2016 dated 15.01.2016, and consequently direct the respondents to grant the benefit of pay revision as per the Life Insurance Corporation Development Officers (Revision of Terms and Conditions of Service) Amendment Rules, 2016 dated 15.01.2016, to the petitioners which is being paid to all other Development Officers of the Life Insurance Corporation of India other than the petitioners along with all other service and monetary benefits including Food and Draught Advance, Festival Advances, Meal Coupons, Leave Travel Concessions and Salary arrears which were withheld by the respondents only in respect of the petitioners.

For Petitioners : Mr.R.Singaravelan
for M/s.M.Srividhya

For Respondents : Mr.G.Venkatesan,
Sr.Panel Counsel for R-1
: Mr.M.Loganathan for RR 2 to 6 in
WP.6335/2016 and RR 2 to 9 in
WP.4834/2016

COMMON ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

Challenge laid in these writ petitions is to the Clause 20 of Instructions for implementation of Life Insurance Corporation Development Officers (Revision of Terms and Conditions of Service) Amendment Rules, 2016, which reads as under:

'20.COURT CASES:

Where a Development Officer has moved any Court of Law in a Writ or other proceedings in connection with the Scheme of Work Norms and obtained a stay as a

consequence of which we are bound to continue him on the same basic pay and allowances as he was drawing on the date of the stay order, these Revision Instructions shall not be implemented in his case without reference to the appropriate legal forum.''

The effect of the aforesaid clause is to penalise a person for having knocked the doors of the Court.

2.Learned Senior Panel Counsel for the respondents rightly cannot plead before us that such a clause can be justified.

3.In view of the aforesaid, Clause 20 is quashed and it is open to the respondents to take action de hors this Clause.

4.Writ Petitions stand allowed leaving the parties to bear their own costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

sra

To

Union of India,
rep. By The Secretary to Govt.,
Ministry of Finance,
Dept. of Financial Services.
III Floor, Jeevan Deep Building,
Parliament Street, New Delhi.

1 cc to Ms.M. Srividhya, Advocate, Sr. 20114

2 ccs to Mr.Venkataswamy babu, SR. 20577

1 cc to Mr.M. Loganathan, Advocate, Sr. 20756

W.P.Nos.6335 and 4834 of 2016

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