

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.2499 of 2011

S.Priya

... Petitioner

Vs.

1.The Chairman,
LIC of India Central Office,
Bombay.

2.The Zonal Manager LIC of India,
South Zone,
102, Anna Salai,
Chennai - 2.

3.The Regional Manager,
LIC of India,
102, Anna Salai,
Chennai - 2.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to forthwith absorb the petitioner as assistant in the Life Insurance Corporation of India with effect from 01.07.1994 with all consequential benefits.

For Petitioner : Mr.N.Umapathi

For Respondents : Mr.R.S.Anandan

O R D E R

Heard Mr.N.Umapathi, learned counsel for the petitioner and Mr.R.S.Anandan, learned counsel appearing for the respondents.

2.The petitioner in this writ petition, seeks for issuance of a Writ of Mandamus, directing the respondents to forthwith absorb the petitioner as Assistant in the Life Insurance Corporation of India with effect from 01.07.1994 with all consequential benefits.

3. According to the learned counsel for the petitioner, the petitioner has undergone a vocational stream of plus-two course of school education in collaboration with the Life Insurance Corporation of India with effect from the academic year 1989-1990 and the petitioner completed the course in the year 1992-1994 batch. The candidates who have undergone the aforesaid course, were inducted into LIC as employees.

4. It is also stated by the learned counsel for the petitioner that a Writ Petition was filed in W.P.No.20260 of 1998 by the President, LIC Fourth Batch Vocational Students & Parents Welfare Association, Chennai - 11. In the aforesaid Writ Petition, this Court, by order dated 27.04.2009, has passed the following order:-

5. Accordingly, the Writ Petition is disposed of with direction to the respondents to induct the 11 persons stated above, who appears to be the only left out candidates in 1992-1994 batch, subject to the condition that these 11 persons should be medically fit and also on the basis of interview to be conducted by the Life Insurance Corporation of India for the purpose of identifying the persons. It is made clear that the above order is passed in respect of last batch of students who have undergone the vocational course as a special case and the same shall not be cited as a precedent. The said process of recruitment of 11 persons shall be made by the Life Insurance Corporation of India as expeditiously as possible. No costs. Connected Miscellaneous Petitions are closed.

5. Therefore, in the light of the above said order passed by this Court, the Writ Petitioner is the only person left alone, on verification, and no other case is pending for the similar limited prayer.

6. The learned counsel for the respondent-LIC would submit that the above said order has been passed by this Court, by taking into consideration the statement made by the counsel for the petitioner that only 11 candidates are left out in 1992-1994 batch. Therefore, the Writ Petition was disposed of with a direction that these 11 persons should be medically fit and also on the basis of interview to be conducted by the Life Insurance Corporation of India for the purpose of identifying the persons. It was made clear that the above order is passed in respect of last batch of students who have undergone the vocational course

as a special case and the same shall not be cited as a precedent. Further, he also submitted that the representation made by the petitioner was not available on record before the respondent. Therefore, the present Writ Petition has been filed before this Court without approaching the authorities concerned. Hence, the Writ Petition is not maintainable and the same is liable to be dismissed.

7. By considering the permission sought by the learned counsel for the parties, the present writ petition has been filed before this Court by relying upon the orders passed by the Division Bench of this Court in W.P.No.20260 of 1998, dated 27.04.2009.

8. Even though, the petitioner made a representation to the respondent on 09.06.2010, it is only pursuant to the order passed by this Court, dated 27.04.2009 in W.P.No.20260 of 1998, the petitioner herein has approached this Court belatedly, ie. after 1998, in 2011. However, the learned counsel for the parties has submitted that no other application/representation or Writ Petition is pending as on this date.

9. Therefore, in the interest of justice and taking into consideration the facts and circumstances of the case, I am inclined to direct the petitioner to make a fresh representation to the respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said representation, the second respondent is directed to consider the said representation/application in the light of the decision rendered by this Court in W.P.No.20260 of 1998, dated 27.04.2009, on merits and in accordance with law, as expeditiously as possible, preferably within a period of twelve weeks from the date of receipt of a copy of this order.

10. This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1.The Chairman,
LIC of India Central Office,
Bombay.

2.The Zonal Manager LIC of India,
South Zone,
102, Anna Salai,
Chennai - 2.

3.The Regional Manager,
LIC of India,
102, Anna Salai,
Chennai - 2.

+1cc to M/s.N.Umapathi, Advocate Sr.4972

+1cc to R.S.Anandan, Advocate Sr.4545

W.P.No.2499/2011

ss[co]
srg 2/3/2017



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