

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.39685 of 2016
and
W.M.P.No.33952 of 2016

All India General Insurance OBC Employees
Federation rep. by its
General Secretary V.N.Magesh Kumar .. Petitioner

Vs.

- 1.General Insurers' (Public Sector)
Association of India (GIPSA)
rep. by its Chairman,
3rd Floor, Jeevan Vihar,
Parliament Street,
New Delhi - 110 001.
- 2.United Insurance Company Ltd.,
rep. by its General Manager,
No.24, Whites Road,
Chennai - 14.
- 3.National Insurance Company
Ltd., rep. by its General Manager,
No.3, Middleton Street,
Kolkata - 700 071.
- 4.Oriental Insurance Company
Ltd., rep. by its General Manager,
A/25-27, Asif Ali Road,
New Delhi - 110 002. .. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents to consider the applications dated 13.10.2016 submitted by the petitioner herein for inclusion in the check off exercise proposed to be held on 16.11.2016 for various classes of OBC employees and permit the petitioner Federation to participate in the check off exercise to be held on 16.11.2016.

For Petitioner .. Mr.Thiagarajan, Sr. Counsel
for Mr.S.Ramesh Kumar

For Respondents .. Mr.T.Ravichandran for R2
Mr.J.Chandan for R3
Mr.N.Vijayaraghavan for R4

ORDER

This writ petition has been filed by the petitioner seeking a direction to the respondents to consider the application dated 13.10.2016 for inclusion in the check off exercise.

2.As rightly submitted by the learned counsel for the respondents, the issue involved in the writ petition has already been considered by this Court in W.P.No.40209 of 2016 dated 16.11.2016, wherein it has been held as under:

" 6.With great efforts, the Petitioner Association was able to get a recognition by way of inclusion in the check-off exercise, 2016-online mode, as evident from the communication dated 11.11.2016 issued by the sixth respondent, which is the Umbrella Organisation of respondents 2 to 5. Once a decision has been taken by the sixth respondent in its meeting held on 18.10.2016 it will be binding on the respondents 2 to 5. The relevant portion of the communication of the sixth respondent dated 11.11.2016 is usefully extracted as follows:

"We have already informed you that the Governing Board in its meeting held on 18.10.2016 has decided to conduct the Check off Exercise, 2016 with the participation of OBC Employee Welfare Associations. As such all OBC Employees Officers (upto cadre of Scale IV Officer) who were recruited as OBC candidate, will now be eligible for submitting dual authorization (LOA) i.e. One in favour of a Union/Association representing his class (Class I/II/III & IV as the case may be) and another Authorization, in favour of a Welfare Association representing OBC employees (on the pattern or SC/ST employees & SC/ST Welfare groups).

As OBC employees will be exercising their LOAs in favour of respective class wise Trade Unions Associations on 16.11.2016 in the Member Companies, the process of which is already underway, the second phase of check off will not be limited to OBC employees (Recruited as OBCs) exercising their LOAs in favour of one of the Registered OBC Welfare Associations, of their choice:

7.From the above, it is clear that the sixth respondent has taken a decision to include the name of the petitioner Association also in the check-off Exercise - 2016 - Online mode and therefore, the relief sought for by the petitioner has been complied with by way of communication dated 11.11.2016 issued by the sixth respondent.

8.However, the question of entitlement of OBC employees who have been recruited under general category as to whether they are entitled to participate in the Check-off Exercise - 2016 for the OBC Association has not been gone into in this Writ Petition and the said issue is kept open. As stated above, the petitioner's claim has been positively answered by the communication dated 11.11.2016 issued by the sixth respondent.

9. Recording the above, the Writ Petition is disposed of. No costs."

3.As the issue involved in the writ petition is similar to the one already decided, the writ petition stands disposed of in the very same terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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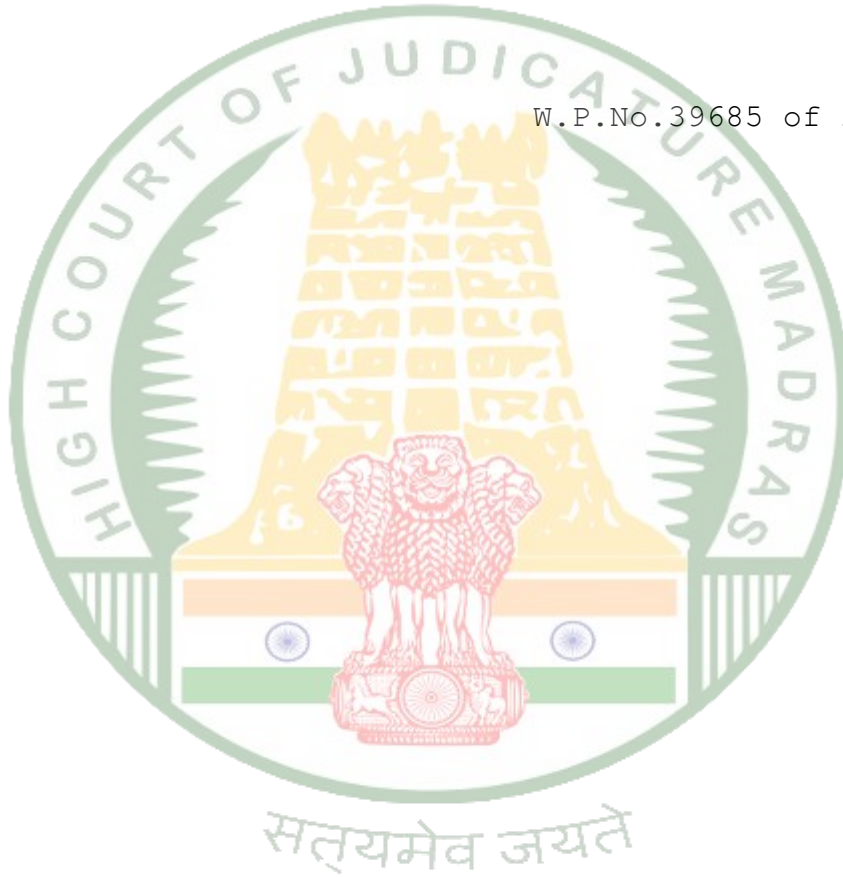
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New Delhi - 110 002.

+1cc to Mr.Vijayaraghavan, Advocate, S.R.No.15656
+1cc to Mr.Perumal, Advocate, S.R.No.15211
+1cc to Mr.Ramesh Kumar, Advocate, S.R.No.15131

SKS (CO)
RS (20/03/2017)

W.P.No.39685 of 2016



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