



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 15.03.2017

CORAM:
THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.(MD) No.121 of 2017

S.Mani Raja ... Appellant / Petitioner
-vs-

1.The Senior Divisional Manager
LIC of India, Jeevan Prakash
Palam Station Road
Sellur, Madurai-625 002

2.The Zonal Manager
LIC of India Zonal Office
LIC Building, No.102, Anna Salai
Chennai-600 002

... Respondents / Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 02.01.2014, made in W.P.(MD) No.16287 of 2013, on the file of this Court.

PRAYER IN WP(MD)No.(MD).16287/2013:

Writ Petition is filed under Article 226 of the Constitution of India,praying this Court Pleased to issue an Writ of Mandamus,directing the respondents to regularize the employment of the petitioner with all attendant benefits in the 1st respondent office by considering the Petitioners representation dated 26.09.2013 and pass such further or other orders as this Hon'ble Court may deem fit.

For Appellant : Mr.D.Selvanayagam

For Respondents : Mr.C.Godwin

J U D G M E N T

[Judgment of the Court by **T.S.SIVAGNANAM, J.**]

Heard Mr.D.Selvanayagam, learned counsel appearing for the appellant / writ petitioner and Mr.C.Godwin, learned counsel appearing for the respondents / respondents and perused the materials produced.

2. This writ appeal is directed against the order, dated 02.01.2014, made in W.P.(MD) No.16287 of 2013.



3. Admittedly, the appellant / writ petitioner sought for issuance of a writ of mandamus to direct the respondents / respondents to regularize his service with all attendant benefits in the first respondent Office by considering his representation, dated 26.09.2013. When the matter came up for hearing before the Writ Court, the learned counsel for the first respondent / first respondent submitted that the request of the appellant / writ petitioner had already been rejected and produced a copy of the order, dated 08.10.2013, passed by the first respondent / first respondent to that effect and based on the said submission, the Writ Court, by the impugned order dated 02.01.2014, dismissed the writ petition with liberty to the appellant / writ petitioner to challenge the said order, dated 08.10.2013 and also to seek the relief of reinstatement. In spite of that, the appellant / writ petitioner wants this Court to consider the correctness of the order of the first respondent / first respondent, dated 08.10.2013 and to regularize his service in the light of the decision of the Honourable Supreme Court in *T.N.Terminated Full Time Temporary LIC Employees Assn. v. LIC*, reported in (2015) 9 SCC 62.

4. In our considered opinion, this writ appeal is misconceived, as the appellant / writ petitioner sought for issuance of a writ of mandamus alone to direct the respondents to regularize his service by considering his representation, without any prayer with regard to the order dated 08.10.2013, passed by the first respondent / first respondent. In such circumstances, this Court cannot be asked to test the correctness of the said order, dated 08.10.2013, though such an order having been passed during the pendency of the writ petition. Furthermore, no grounds have been raised with regard to correctness of the said order, dated 08.10.2013. Hence, this Court does not find any error or irregularity in the order passed by the Writ Court and the same does not warrant any interference by this Court.

5. In the result, the writ appeal fails and it is dismissed. However, the appellant / writ petitioner is at liberty to challenge the order, dated 08.10.2013, passed by the first respondent / first respondent, by raising all the grounds, which are available to him. A copy of the order, date 08.10.2013, passed by the first respondent / first respondent has been furnished to the learned counsel for the appellant / writ petitioner, which can be utilized to challenge the same before the appropriate Forum in the manner known to law. No costs.

Sd/-

Assistant Registrar(Records)



+1cc to Mr.C.Godwin, Advocate, SR.14851

+1cc to Mr.D.Selvanayagam, Advocate, SR.14956

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