

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.8189 OF 2017

DATED : 28.03.2017

Between :

B.Venkatesham S/o.Late Rama Lingam,
Age 50 yrs, Occu : Un-employee,
R/o.H.No.2-2-39/1, Sardar Nagar, Siricilla,
Karimnagar District.

Petitioner

And

The Life Insurance Corporation of India,
5th floor, West Wing, Yogakshema,
P.B.No.19953, Jeevan Bhim Mang,
Nariman Point, Mumbai – 400 021,
Rep., by its Chairman & others.

Respondents



This court made the following :

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ORDER :

Heard.

2. Petitioner claims to have worked as temporary Assistant in Siricilla Branch of Life Insurance Corporation of India, Karimnagar District in two spells i.e., in Spell-1 from 28.04.1989 to 10.06.1989 and in spell-2 from 16.06.1989 to 25.07.1989. On 21.07.2015 a recruitment notification was issued by the respondent-Corporation to consider the persons who worked earlier as temporary assistants and have rendered 85 days of service. This notification was issued pursuant to an award passed by the Central Government Industrial Tribunal, New Delhi in I.D.No.27 of 1991 dated 18.06.2001. The matter was carried to the Hon'ble Supreme Court in Civil Appeal No.6950 of 2009 & batch and on 18.03.2015, the Hon'ble Supreme Court directed for implementation of the Award. Petitioner contends that in response to the said notification, he applied, but his application was not processed.

3. According to learned counsel for the petitioner, as per the notification the candidates are required to send applications through ordinary post and petitioner has sent his application through ordinary post as required. But the same was not considered. Petitioner earlier filed W.P.No.30543 of 2016 alleging non-consideration of his representation dated 15.07.2016. This Court by order 09.09.2016 disposed of the writ petition directing

the Executive Director (Personnel) of LIC of India, to consider the representation of the petitioner and to pass orders.

4. Considering the representation the order impugned was passed rejecting the request of the petitioner. The reason assigned for rejection is that as per the notification, person is required to apply within one month from the date of notification and the last date prescribed was 21.08.2015. Whereas petitioner has not applied within the cut off date prescribed and therefore, his application cannot be processed.

5. It is not in dispute that as per the notification the application was required to be submitted by ordinary post and no fee is prescribed. Therefore, when the petitioner asserts that he has submitted application, there is no basis for the respondent-Corporation to say that no such application is made and refused to consider his candidature. Thus, the action of the respondents in refusing to consider the candidature of the petitioner is erroneous.

6. Learned Standing counsel, on instructions, submits that the Corporation has received 11867 applications by the cut off date and lot of applications are directly received to the Central Office. The instructions furnished to learned Standing counsel would also disclose that the selection process is not finalized as the identification of the eligible workmen from the applications received is not completed.

7. Having regard to these submissions, the writ petition is disposed of directing the respondents to accept the application of the petitioner and process the same for consideration, in pursuant to the recruitment notification dated 21.07.2015 subject to

petitioner's eligibility and suitability. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

28th March, 2017

Note : Issue c.c. in three (3) days.

B/o.
Rds

