



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2018

CORAM:

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P (MD) Nos. 24223 to 24232 of 2017 and
31 of 2018

and

W.M.P (MD) Nos. 20339 to 20348 of 2017
and 25 of 2018

ESAKKI PANDI	...Petitioner in WP(MD)24223/ 2017
DEVA ARULNATHAN	... Petitioner in WP(MD)24224/ 2017
GLADSON WINFRED	... Petitionerin WP(MD)24225/ 2017
C.MAHESH	... Petitioner in WP(MD)24226/ 2017
BALASARASWATHY	... Petitioner in WP(MD)24227/ 2017
SYED MOHAMED HAJJAPPA	...Petitioner in WP(MD)24228/ 2017
SHANMUGAIYA	... Petitioner in WP(MD)24229/ 2017
RAMKUMAR	... Petitioner in WP(MD) 24230/ 2017
VIJAYAKUMAR	... Petitioner in WP(MD) 24231/ 2017
SENTHIL KUMAR	... Petitioner in WP(MD) 24232/ 2017
AMSARAJAN	... Petitioner in WP(MD) 31/ 2018

- Vs. -

1 THE CHAIRMAN,
LIFE INSURANCE CORPORATION OF INDIA,
CENTRAL OFFICE, YOGAKSHEMA,
MUMBAI-400 021.

2 THE EXECUTIVE DIRECTOR(M-B&AC)
LIFE INSURANCE CORPORATION OF INDIA,
MARKETING BANCASSURANCE & ALT.CH.DEPARTMENT,
CENTRAL OFFICE, YOGAKSHEMA(WEST WING),
J.B.MARG, MUMBAI-400 021.

3 THE ZONAL MANAGER,
<https://hcservices.ecourts.gov.in/hcservices/>
LIFE INSURANCE CORPORATION OF INDIA,
SOUTHERN ZONAL OFFICE, OLD NO.102,



NEW NO.153, LIC BUILDING,
ANNA SALAI, MOUNT ROAD,
CHENNAI 625 002.

... Respondents No.1 to 3
in WP(MD)Nos.24223 to 24232/2017 and 31/2018

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4 THE SENIOR DIVISIONAL MANAGER,
I/C, THE LIFE INSURANCE CORPORATION OF INDIA,
DIVISIONAL OFFICE, JEEVAN PRAKASH,
POST BOX NO.183, TIRUNELVELI,
TIRUNELVELI DISTRICT.

... 4th Respondent
in WP(MD)Nos.24223 to 24229 /2017

THE BRANCH MANAGER,
LIFE INSURANCE CORPORATION OF INDIA,
CHERANMADEVI, TIRUNELVELI DISTRICT.

... 5th RESPONDENT
IN WP(MD)No.24223/2017

THE BRANCH MANAGER,
LIFE INSURANCE CORPORATION OF INDIA,
MARTHANDAM, KUZHITHURAI,
KANYAKUMARI DISTRICT.

... 5th RESPONDENT
in WP(MD)No.24224/ 2017

THE SENIOR MANAGER,
LIFE INSURANCE CORPORATION OF INDIA,
THAKALAI, KANYAKUMARI DISTRICT.

.. 5th RESPONDENT
in WP(MD)No.24225/ 2017

THE MANAGER,
LIFE INSURANCE CORPORATION OF INDIA,
TUTICORIN, TUTICORIN DISTRICT.

... 5th RESPONDENT
in WP(MD)No.24226/ 2017

THE MANAGER,
LIFE INSURANCE CORPORATION OF INDIA,
TUTICORIN, TUTICORIN DISTRICT.

... 5th RESPONDENT
in WP(MD)No.24227/ 2017

THE BRANCH MANAGER,
LIFE INSURANCE CORPORATION OF INDIA,
EARVADI ROAJ, VALLIYOOR,
TIRUNELVELI DISTRICT.

... 5th RESPONDENT
in WP(MD)No.24228/ 2017

THE BRANCH MANAGER,
LIFE INSURANCE CORPORATION OF INDIA,
143, RAJAPALAYAM ROAD, SANKARANKOVIL,
TIRUNELVELI DISTRICT.

... 5th RESPONDENT
in WP(MD)No.24229/ 2017



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THE SENIOR DIVISIONAL MANAGER,
I/C, THE LIFE INSURANCE CORPORATION OF INDIA,
DIVISIONAL OFFICE, GANDIJI ROAD,
TANJAVUR.

... 4th RESPONDENT IN
WP(MD)NOS.24230 AND 24231/2017
AND 24232/2017

THE CHIEF MANAGER,
LIC OF INDIA, MAYILPALAYAM,
PATTUKOTTAI TALUK, TANJAVUR DISTRICT.

... 5th RESPONDENT
in WP(MD)No.24230/ 2017

THE BRANCH MANAGER,
LIFE INSURANCE CORPORATION OF INDIA,
NO.8-11, NEAR NEW TOWN, TANJAVUR MAIN ROAD,
THIRUVARAMPUR, TRICHY DISTRICT.

... 5th RESPONDENT
in WP(MD)No.24232/ 2017

THE SENIOR DIVISIONAL MANAGER (I/C),
THE LIFE INSURANCE CORPORATION OF INDIA,
DIVISIONAL OFFICE, BRIDGE STATION ROAD,
SELLUR, MADURAI.

... 4th RESPONDENT
in WP(MD)No.31/ 2018

THE BRANCH MANAGER
LIFE INSURANCE CORPORATION OF INDIA,
NO.3, NORTH SLIMBANI STREET, DEVAKOTTAI,
SIVAGANGAI DISTRICT.

... 5th RESPONDENT
in WP(MD)No.31/2018

COMMON PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the fourth respondent herein in connection with order passed by the petitioner in Ref:B & AC/DO. Dated 13.12.2017, Ref.Nil dated 09.12.2017 and Reff.B & AC MDU dated.09.12.2017 and quash the same as illegal and direct the respondents to continue petitioner in the post in which petitioner was appointed or any other post to which petitioner is eligible with all monetary and service benefits.

For petitioner : Mr.D.Balamurugapandi

For Respondents : Mr.G.Prabhu Rajadurai
(in all Writ Petitions)

COMMON ORDER

Heard Mr.D.Balamurugapandi, learned Counsel appearing for the petitioners in all the Writ Petitions and Mr.G.Prabhu Rajadurai, learned Standing Counsel appearing for the respondents in all the Writ Petitions.



2. The Writ Petitioners were appointed as Functional Service Executives by Life Insurance Corporation of India. The respondent Corporation formulated a scheme in the year 2007 for recruiting Financial Services Executives.

3. Clause 26 of the said scheme reads as under:

26. Renewal of Contract:

The contract can be extended for another term of one year and again for another year subject to performance and suitability. The minimum requirement of performance shall be that the Financial Services Executives should have received New Business Incentive for at least 1 year out of 3 years. Once a Financial Services Executive procures the minimum New Business during the three year contract period as per stipulated norms and is otherwise found suitable, the period of Contract may be renewed with some increase in incentive and remuneration, which Chairman is authorized to decide. [As per Circular Ref: CO/MBAC/ZD/35/2012, dated 29th November, 2012, the Competent Authority has approved renewal of contract for eligible FSEs for the 6th year subject to performance and suitability.]

4. Clause 24 of the said scheme also reads as under:

"24. Continuity as a Direct Agent:

A financial Services Executive shall be allowed to continue individual agency with LIC if he desires so, but only as a Direct Agent either after the period of Contract is over or even when the Contract with Headmaster is prematurely terminated for reasons other than misconduct and if he is otherwise found suitable or if the FSE submits his resignation before the period of contract is over."

5. The writ petitioners' contract was periodically extended. Now the very scheme has come to an end. Therefore, by the impugned order dated 09.12.2017, the writ petitioners were disengaged. They were, however, given an option for migration to Chief Life Insurance Advisor (CLIA) Scheme. Aggrieved by the same the writ petitioners have filed these writ petitions.

6. The principal contention urged by the writ petitioners is that they have been rendering service satisfactorily and that by granting repeated extension of tenure they were under legitimate impression that they would be either continued as Financial Services Executives or absorbed in some regular post in the respondent Corporation.

7. The learned counsel would also point out that the writ petitioners have crossed almost 30 years and that it is difficult for them to find a suitable employment elsewhere.



8. Mr. G.Prabhu Rajadurai, learned Standing Counsel appearing for the respondent Corporation submitted that the issue raised in these writ petitioners is no longer res integra. When Financial Services Executives were sought to be disengaged in Kerala, petitions were filed before the Kerala High Court. A Division Bench of the Kerala High Court by the Judgment dated 09.03.2015 made in W.A.No.1707 of 2014, held that the Financial Services Executives were not entitled to the relief of regularisation. The same was challenged before the Hon'ble Supreme Court in Special Leave Appeal No.14641 of 2015, but the same was dismissed on 09.03.2016.

9. As rightly contended by the learned Standing Counsel for the respondent Corporation, the respondent Corporation had introduced a Scheme that was meant to be in force for the given period. The appointments of the writ petitioners were purely contractual in nature. A mere look at the terms of contract of appointment would show that they cannot lay any claim for regularisation or for a regular appointment.

10. The learned Standing Counsel would draw the attention of this Court to the decisions of the Hon'ble Supreme Court reported in (2008) 10 SCC 1- Official Liquidator vs. Dayanand and others - Paragraph 52, 59 and 114 of the said decision are particularly apposite. The Hon'ble Supreme Court specifically rejected the contention founded on the premise of legitimate expectation in a similar case. As rightly pointed out by learned counsel, since it was only a scheme, in the first instance more meritorious persons were obviously not appointed. There is no merit in these writ petitions and they stand dismissed, accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

+1CC TO Mr.G.Prabhu Rajadurai, Advocate, Sr No.41347

+10CC TO Mr.D.Balamurugapandi, Advocate, Sr Nos.41243 to 41252

ORDER MADE IN
W.P (MD) Nos. 24223 to 24232 of 2017
and 31 of 2018
09.01.2018

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MS/SV-MMS/SAR-4/14.03.2018/5P.12C