



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.07.2019

CORAM

THE HON'BLE MR. JUSTICE V.PARTHIBAN

W.P.No.2871 of 2019

All India Scheduled Castes/Scheduled Tribes,
Buddhist LIC Employees Welfare Association,
South Zone,
Rep.by its General Secretary
R.Janarthanan,
P & Gs Department,
Chennai-600 002

... Petitioner

vs.

1.Union of India,
rep.by its Secretary to Govt. of India,
Personal & Administrative Reform Department,
New Delhi-110 001

2.The Life Insurance Corporation of India,
Rep.by its Executive Director (Personnel),
Central Office,
Jeevan Bhima Marg,
Mumbai-400 021

3.The Life Insurance Corporation of India,
rep.by Zonal Manager,
South Zone, Mount Road,
Chennai-600 005

.... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a writ of declaration declaring the impugned Circular dated 10.10.2018 in Circular No.ZD/1379 issued by the Life Insurance Corporation of India as illegal, void, unconstitutional and the same may be struck down as invalid and direct the respondents to provide the relaxation concession in the promotion from the post of Administrative Officer till the cadre of the Divisional Manager in the Life Insurance Corporation of India.

For Petitioner .. Mr.K.Shanmugakani

For Respondents .. M/s.Swarnalatha for R1
Mr.C.K.Chandrasekar for R2 & R3



ORDER

The writ petition has been filed challenging the Circular issued by the Life Insurance Corporation of India dated 10.10.2018.

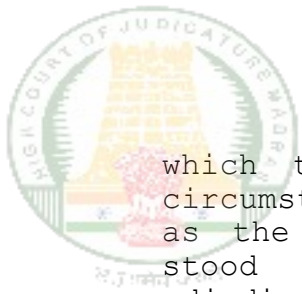
2. According to the petitioner Association, by the impugned Circular, the respondents have not provided relaxation/concession in promotion to various posts like Administrative Officer etc. According to the learned counsel appearing for the petitioner, the Circular does not contemplate communal roster to be applied to employment in public service and public Sector undertakings in line with the Constitutional mandate and also as per the law laid down by the Hon'ble Supreme Court of India.

3. Mr. C.K. Chandrasekar, the learned counsel appearing for the respondent Corporation would submit that the Circular, which was under challenge in the writ petition, has been withdrawn and this is in fact admitted by the petitioner Association in paragraph No.26 of the reply affidavit. According to the averments in Paragraph No.26 of the reply affidavit filed by the petitioner Association, the impugned Circular has been kept in abeyance and the action in keeping the Circular in abeyance during the pendency of the writ petition is also a subject matter of challenge by the same association in another writ petition and therefore, the learned counsel for the respondent Corporation would submit that the petitioner, as on date, cannot maintain the writ petition in view of the subsequent development as aforementioned.

4. At this, the learned counsel Mr. K. Shanmugakani appearing for the petitioner would submit that when this Court is seized of the matter, it is not open to the respondent Corporation to keep the Circular in abeyance and therefore, the said action is also put to challenge in another writ petition.

5. This Court finds the above argument by the learned counsel for the petitioner as quite strange, since the petitioner association has actually come up with the present writ petition with the grievance that the Circular does not address the concerns of the members of the reserved community. When the Circular has been kept in abeyance by the respondent Corporation, the same association has been strangely aggrieved and challenged the said action by the Corporation. It appears that the petitioner Association wants to approbate and reprobate at the same time, which cannot be entertained by this Court.

6. In any event, the fact of the matter is that the impugned Circular was not pressed into service in the selection



which took place in pursuance of the Circular and in such circumstances, the present writ petition cannot be maintained, as the basis of the complaint of the petitioner association stood removed at least for the present and hence, no adjudication is called for in the present writ petition, any further.

7. For the above said reasons, this Court finds that the writ petition has become infructuous in view of the subsequent development as aforementioned and hence, the same is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

msk

To

1.The Secretary to Govt. of India,
Personal & Administrative Reform Department,
New Delhi-110 001

2.The Executive Director (Personnel),
Life Insurance Corporation of India,
Central Office,
Jeevan Bhima Marg,
Mumbai-400 021

3.The Zonal Manager,
The Life Insurance Corporation of India,
South Zone, Mount Road,
Chennai-600 005.

+1cc to Mr.K.Shanmugakani, Advocate, S.R.No.57735

+1cc to Mrs.Swarnalatha, Advocate, S.R.No.57988

+1cc to Mr.C.K.Chandrasekhar, Advocate, S.R.No.57241

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PVS (CO)

RRS (22/08/2019)