

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED: 22.10.2019  
CORAM:  
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM  
W.P.No.26006 of 2013  
M.P.No.1 of 2013

Terminated Full Time Temporary  
LIC Employees Welfare Association  
(Regn.No.39/90) Rep,by its  
State Secretary Mr.T.Mohanraj, B.Com. ...Petitioner  
Periyar Thellore Village & Post  
Ussoor(via), Vellore -632 105

vs.

1.LIC of India Rep.by  
its Executive Director (Personnel),  
LIC of India,  
Central Office,  
Mumbai-400 021.

2. LIC of India Rep.by  
its Zonal Manager,  
LIC of India,  
Zonal Office,  
152, Anna Salai,  
Chennai-600002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the  
Constitution of India praying to issue a Writ of Mandamus, to  
direct the respondents to engage the members of the petitioner  
association in Class III and IV posts in existing or immediate  
future vacancies either temporarily or contract basis or on  
daily wages basis in case the respondents choose to appoint the  
fresh candidates on contract basis without prejudice to the  
claim of the petitioner association for permanent absorption.

For Petitioner : Mr.R.Singgaravelan  
Senior Counsel  
for M.Srividhya

For Respondents : Mr.G.Rajagopalan  
Additional Solicitor General of  
India  
for M/s.G.Janane for RR1 & 2

## O R D E R

The writ on hand is filed by the Terminated Full Time Temporary LIC Employees Welfare Association.

2. The writ petitioner association states that they are a registered Association and represent the rights and interest of hundreds and hundreds of Terminated Temporary Employees of the first respondent Corporation's South Zone, who have been fighting for their absorption in the light of the awards passed by the National Tribunal, Bombay. The contention of the writ petitioner Association is that the members of the petitioner Association were engaged and subjected to the arbitrary and unconstitutional policy of hire and fire by the LIC of India. Hence, they have chosen to file various cases before this Court. Based on the interim order granted by this Court, they were allowed to work for about one year or more.

3. The LIC of India has been following the policy of 'Hire and Fire' not only in the State of Tamil Nadu but also throughout the country and hence complaints from different states had reached the Central Government. The Central Government had thought it fit to refer the matter to the learned Central Government Industrial Tribunal and the same had culminated into Industrial Dispute in I.D.No.27 of 1991.

4. As the reference was made even when the writ petitions filed by the Members of the Petitioner Association were pending in the High Court, Madras, they had chosen to file an impleading petition before the learned Tribunal, after the disposal of all the writ petitions as per the observation made by the learned Full Bench of the Madras High Court on 27.07.1992.

5. Before filing the impleading petition, the members of the Petitioner Association had filed Special Leave Petition against the order of the learned Full Bench before this Court and when the matter was heard, the LIC of India had produced a Memorandum of Understanding before the Hon'ble Apex Court on 23.10.1992, in the case of E.Prabavathy and others. On the basis of the said Memorandum of Understanding, the Apex Court has left all the questions open on the rights of the petitioners under I.D.Act, 1947 for future decision. Thus, it is manifestly clear that the order of this Court in E.Prabhavathi's case is not a binding precedent as it has not touched the pendency of I.D.No.27 of 1991 and rights of all the parties under the various provisions of the Industrial Disputes Act, 1947.

6. Though the writ petitioners raised several grounds in respect of the earlier order passed by the Apex Court, the learned Additional Solicitor General of India appearing on behalf of the respondent /LIC Corporation, made a submission that after passing of the award, the matter went upto the Hon'ble Supreme Court of India, and the very same petitioner was the petitioner before the Supreme Court also. The Hon'ble Supreme Court adjudicated all the issues and delivered a judgment on 18.03.2015, after filing of the present writ petition and during its pendency. Thus, the judgment of the Hon'ble Supreme Court of India is binding on all the parties and the respondent/LIC Corporation is bound to implement the directions of the Supreme Court in its letter and spirit as well as subject to the conditions imposed by the Supreme Court regarding the qualification and eligibility criteria.

7. The relevant paragraph of the Judgment of the Supreme Court of India is extracted hereunder:

"For the aforesaid reasons also, the case of the concerned workmen/appellants must succeed and the impugned judgment and order must be set aside. Accordingly, it is set aside.

29. It is needless to mention that we are of the view that the Award passed by the CGIT in I.D.No.27 of 1991 is legal and valid, it shall be restored and implemented by the Corporation by absorbing the concerned workmen in the permanent posts and if they have attained the age of superannuation, the Corporation will be liable to pay all consequential benefits including monetary benefits taking into consideration the pay scale and revised pay scale from time to time by the Corporation.

Mr.Shekar Naphade, learned amicus curiae has rendered excellent assistance to this Court at our request to arrive at just conclusions in these cases. The same is appreciated and placed on record.

This Judgment and order shall be implemented within eight weeks from the date of receipt of the copy of this Judgment and the compliance report of the same shall be submitted for perusal of this Court.

Accordingly, the appeals are allowed in the above said terms. All the applications are disposed of. No costs."

8. The learned Additional Solicitor General of India reiterated that the judgment of the Supreme Court is being implemented by the LIC Corporation, after verifying the eligible criteria and other requisite qualification contemplated under

the service regulations, coupled with the Judgment of the Supreme Court. Thus, all actions are initiated for the purpose of extending the benefit of the Judgment of the Supreme Court in respect of all the eligible candidates and the exercise would be done as expeditiously as possible.

9. In view of the said submission, on the fact that the Hon'ble Apex Court had delivered a judgment in respect of the same issue on 18.03.2015, no further adjudication is required in respect of the grounds raised in the present writ petition.

10. The respondents are directed to continue the implementation of the Judgment of the Supreme Court in respect of the members of the petitioner's Association and also subject to verification of the eligibility and other criterias as fixed by the Supreme Court as expeditiously as possible.

11. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssb  
To

1. LIC of India Rep.by  
its Executive Director (Personnel),  
LIC of India,  
Central Office,  
Mumbai-400 021.

2. LIC of India Rep.by  
its Zonal Manager,  
LIC of India,  
Zonal Office,  
152, Anna Salai,  
Chennai-600 002.

+1 cc to M/s.M.Srividya Advocate sr89146  
+1 cc to M/s.G.Janane Advocate sr88927

W.P.No.26006 of 20013  
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