



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.20941 of 2015  
and M.P.No. 1 of 2015

A.Parvathi

... Petitioner

Vs.

1. The Zonal Manager,  
Southern Zonal Office,  
LIC Buildings,  
No.102 Anna Salai  
Chennai.

2. The Senior Divisional Manager  
LIC of India  
Jeevan Prakash  
Bridge Station Road,  
Post Box No.16  
Sellur,  
Madurai.

3. The Manager (P&IR)/DM  
(Personnel & Industrial Relationship)  
LIC of India,  
Jeevan Prakash  
Bridge Station Road,  
Post Box No.16  
Sellur, Madurai.

4. The Senior Branch Manager,  
LIC of India,  
Branch Office,  
Mazid Road, Sivagangai

... Respondents

**PRAYER** : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the 3<sup>rd</sup> respondent in Ref.P&IR dated 09.10.2015 and quash the same and direct the respondent to regularise the services of the petitioner with all consequential benefits.

For Petitioner  
For Respondents

:Mr.V.Panneer Selvam  
:Mr.C.Godwin

**ORDER**

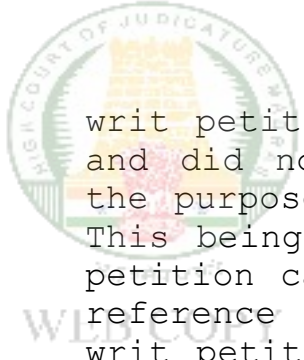
The order of rejection rejecting the claim of the writ petitioner for grant of regularization is under challenge in the present writ petition.

2. The learned counsel appearing for the writ petitioner states that the writ petitioner was engaged as a Scavenger on daily wage basis during the year 1989. The writ petitioner is continuing in service for a considerable length of time. The learned counsel for the petitioner states that in spite of the fact that the petitioner is continuing for many years, the benefit of regularization and permanent absorption is not granted to the writ petitioner. Even at the time of filing of the writ petition, the petitioner had served more than 25 years. Thus, the order of rejection is perverse and liable to be scraped.

3. The learned counsel appearing on behalf of the respondents disputed the contentions raised on behalf of the writ petitioner by stating that admittedly, the writ petitioner was engaged as a daily wage employee and she is continuing as such. The writ petitioner joined as daily wage employee by accepting the terms and conditions imposed by the employer. Thus, she cannot turn around and seek regularization in violation of the Recruitment Rules in force. The learned counsel for the respondents brought to the notice of this Court that the writ petitioner is not even qualified for regular absorption, as she is not possessing the minimum requisite qualification for appointment in any regular sanctioned posts.

4. In these circumstances, this Court cannot issue any direction for grant of regularization or permanent absorption. The respondent Life Insurance Corporation also issued instructions for conversion of part time sweepers to full time employees. Such benefit also can be granted to the writ petitioner, provided, the writ petitioner is eligible and possessing the requisite qualification. When the writ petitioner is not eligible and not possessing the requisite educational qualification for regular appointment, the benefit cannot be extended.

5. The benefit of regularization or permanent absorption cannot be granted in violation of the Recruitment Rules in force. All appointments are sought to be made strictly in accordance with the Recruitment Rules in force. Equal opportunity in public employment is the constitutional mandate. All persons eligible to be participated in the process of selection must be provided with an opportunity for the purpose of acquiring employment through open competitive process. Equal opportunity and equity clause enunciated in the Constitution must be adhered to by the competent authority undertaking the process of selection for regular appointment to the sanctioned posts, that is being proposed to be followed. Thus, this Court is of the considered opinion that the



writ petitioner, admittedly, was engaged as a daily wage employee and did not possess the requisite educational qualification for the purpose of considering her case even for regular appointment. This being the factum, the relief sought for in the present writ petition cannot be granted and there is no infirmity as such with reference to the impugned order of rejection. Accordingly, the writ petition is devoid of merits and the same is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

RR

To

1. The Zonal Manager,  
Southern Zonal Office,  
LIC Buildings,  
No.102 Anna Salai, Chennai.
2. The Senior Divisional Manager  
LIC of India  
Jeevan Prakash  
Bridge Station Road,  
Post Box No.16, Sellur, Madurai.
3. The Manager (P&IR)/DM  
(Personnel & Industrial Relationship)  
LIC of India,  
Jeevan Prakash  
Bridge Station Road,  
Post Box No.16, Sellur, Madurai.
4. The Senior Branch Manager,  
LIC of India,  
Branch Office, Mazid Road, Sivagangai.

+ 1 CC to Mr.V.Panneer Selvam, Advocate in SR.No.72514  
+ 1 CC to Mr.C.Godwin, Advocate in SR.No.72120

**W.P. (MD) No.20941 of 2015**  
**and M.P.No.1 of 2015**

**28.06.2019**