



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) .Nos.16588 to 16592, 17305 and 17306 of 2017

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1.Kanthasamy	...	Petitioner in W.P(MD).No.16588 of 2017
2.R.Karunanithi	...	Petitioner in W.P(MD).No.16589 of 2017
3.P.Vijayakumar	...	Petitioner in W.P(MD).No.16590 of 2017
4.T.Ganapaskaran	...	Petitioner in W.P(MD).No.16591 of 2017
5.M.Ravi	...	Petitioner in W.P(MD).No.16592 of 2017
6.G.Boopathi	...	Petitioner in W.P(MD).No.17305 of 2017
7.Johnson	...	Petitioner in W.P(MD).No.17306 of 2017

-Vs-

1.Life Insurance Corporation of India
Represented by its Chairman
Central Office
Jeevan Bheema Marg
Yoga Krishema
Nariman Point
Mumbai 500 021

2.The Senior Divisional Manager
LIC of India
Divisional Office
Thanjavur

... Respondents in all the Writ Petitions

COMMON PRAYER: These Writ Petitions have been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to absorb the petitioners in the respondents Corporation as per the Judgment of Supreme Court in Civil Appeal Nos.6950 to 6954 of 2009 dated 18.03.2015 by considering their representation dated 26.07.2017.

For Petitioners	:	Mr.A.Arun Prasad (In all the Writ Petitions)
For Respondents	:	Mr.G.Prabhu Rajadurai (In WP(MD)Nos.16588 to 16592/2017) : Mr.T.Thirumurugan (In WP(MD)Nos.17305 & 17306/2017)

COMMON ORDER

Since the issues involved in these Writ Petitions are one and the same, these Writ Petitions are heard together and disposed of by way of this common order.



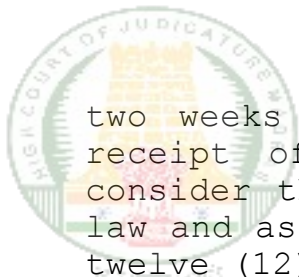
2. These petitions have been filed seeking a direction to the respondents to absorb the petitioners in the respondent corporation as per the Judgment of the Hon'ble Supreme Court in Civil Appeal Nos.6950 to 6954 of 2009, dated 18.03.2015, by considering their representation, dated 26.07.2017.

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3. According to the petitioners, the petitioners in W.P(MD). Nos.16588 and 17305 of 2017 have worked as Assistants and the petitioners in W.P(MD).Nos.16589 to 16592 of 2017 have worked as Sub-Staffs and the petitioner in W.P(MD).No.17306 of 2017 has worked as Watchman on daily wages as part time employees in the respondent Corporation for more than one year. Subsequently, they were terminated from service. The petitioners have filed various petitions before the Industrial Tribunal and also filed the Writ Petitions, for making them permanent employees of the respondents Corporation. After hearing the cases, the same was ordered by the Industrial Tribunal. Some of the petitioners, who were not successful, have filed S.L.P. before the Hon'ble Apex Court and the Hon'ble Apex Court has directed the Corporation to observe the Workmen, on the basis of the award rendered in the Industrial Tribunal. In view of the same, the respondents Corporation have given a paper publication, dated 21.07.2015, to send resume along with particulars. As per advertisement, the petitioners have also submitted their particulars to the respondents Corporation, but no order was passed. Thereafter, the petitioners came to know that the respondents called some of the similarly placed persons for certificate verification. But, the petitioners have not received any call letter. When the same was enquired by the petitioners, the respondents Corporation informed that the said relief is not applicable to the petitioners. Hence, the petitioners have come out with the present Writ Petitions.

4. The learned counsel appearing for the respondents submitted that the petitioners are not entitled for the relief granted to other persons. As per Judgment of the Hon'ble Apex Court, the cut-off date was closed on 20.05.1985. Even according to the petitioners in W.P(MD).Nos.16591, 16592 and 17305 of 2017, they worked subsequently. The petitioners have not produced any particulars along with applications and no applications were received by the respondents Corporation. If any such applications are filed along with required particulars, within the time prescribed in the Advertisement, dated 21.07.2016, their applications will be considered. He further submitted that the petitioners' applications will be considered, if they are in the prescribed form along with particulars.

5. In view of the rival submissions of the learned counsel appearing for the petitioners and the learned Counsel appearing for the respondents, without deciding the issue on merits, the petitioners are directed to give particulars with regard to the date of services and other required particulars, within a period of



two weeks from the date of receipt of a copy of this order. On receipt of such particulars, the respondents are directed to consider the same and pass orders on merits and in accordance with law and as per order of the Hon'ble Apex Court, within a period of twelve (12) weeks thereafter.

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6. With the above direction, these writ petitions are closed.
No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar (CS)

msa

To

1. The Chairman,
Life Insurance Corporation of India,
Central Office,
Jeevan Bheema Marg,
Yoga Krishema,
Nariman Point,
Mumbai 500 021.
2. The Senior Divisional Manager,
LIC of India,
Divisional Office,
Thanjavur.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate SR-89098.
+1 CC to M/s.A.ARUN PRASAD, Advocate SR-89138 & 89139.
+2 CC to M/s.T.Thirumurugan, Advocate SR-89098.

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CS (30.10.2019) 3P 7C