

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2020

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.Nos.1562, 1563 and 1564 of 2012
and CMP Nos.9160 and 9164 of 2020

K. Pasupathinathan ... Appellant in W.A.No.1562 of 2012
S. Venkatachalam ... Appellant in W.A.No.1563 of 2012
P. Chandrasekaran ... Appellant in W.A.No.1564 of 2012

-VS-

1. The Divisional Manager,
L.I.C. of India,
Salem Divisional Office
'Jeevan Prakash'
Johnsonpet, Salem – 636 007.
 2. The Zonal Manager,
L.I.C. of India,
Southern Zonal Office
Mount Road,
Chennai -600 002
 3. The Chairman,
Life Insurance Corporation of India,
Marine Drive,
Mumbai 400 001
- .. Respondents in all the appeals

Appeals filed under Clause 15 of the Letters Patent against the order dated 06.09.2011 passed in W.P.Nos.7257, 7258 and 7259 of 2009 on the file of this Court.

For Appellants : Mr.P.Mahaadevan
For R.2 : Mr.C.K. Chandrasekar

COMMON JUDGMENT

(Delivered by The Hon'ble Chief Justice)

Heard learned counsel for the appellants and learned counsel for the respondents.

2. It has been pointed out by the learned counsel for Life Insurance Corporation of India that the issue of regularisation giving the benefit of continuous service has now been given a quietus by the final order of the Apex Court on **06.03.2020 in Civil Appeal Nos.4703-4735/2016 (The Chairman, Life Insurance Corporation of India and Others vs Jagadevi and Others)** , which is extracted hereinunder:-

"ORDER"

Learned senior counsel for the appellant-Corporation submits that he has obtained instructions to an amicable resolution and thus,

requests that the course of action followed in Hashmuddin & ors. v. LIC & Ors – Civil Appeal No.2268/2011 in terms of order dated 20.10.2016 as confirmed by the order dated 15.01.2020 can be adopted even in the present case. The effect of this would be that a limited departmental examination would be held for the candidates in question as was proposed in our order dated 31.01.2020 in the present matter. Such a departmental examination would not include the candidates from open market and would be applicable only in cases where the person has completed 10 years of continuous service as temporary Class III employees in accordance with instructions. Naturally, this examination would have to be cleared by such temporary Class III employees for seeking regularisation.

The position which will emerge on their qualifying would be as per par 7 of the order dated 15.01.2020 in Hashmuddin (supra) and for convenience of reference, the same is reproduced as under:-

: we are thus of the view that the appellants should be entitled to the counting of their period spent in temporary status post twelve years from their initial date of appointment on the temporary basis towards the fixation of their pay on a

permanent basis with all consequential benefits without any back wages (the benefit will accrue from 31st December, 2016). On aspects of gratuity, contributory pension etc., we are not specifically dealing with as that will depend in turn on the provisions of the Scheme, provisions of the Act and Regulation concerned and that can be worked out on that basis."

The aforesaid process be commenced with the examination to be held within three months and the process be completed within three months thereafter.

The appeals stand disposed of.

At this stage, learned counsel for the appellant-Corporation points out that there are cases pending in different High Courts by parties similarly situated and it would be appropriate to put a quietus to the matter even in those cases.

We feel that appropriate course of action would to file an application for those proceedings based on the order passed today so that those claimants can also get the benefit of our order.

*Miscellaneous Application No.520/2020 in
M.A.Diary No.40820/2019 in Civil Appeal
No.7677/2019*

Dismissed."

3. Learned counsel for the respondents submits that this does not take into account the entire extent of services of the appellants and as a matter of fact twelve (12) years of service has been not counted, as a result whereof giving the benefit from the date of appointment will result in certain losses post retirement.

4. We have considered the submissions raised and we find no scope of any further argument or any modification of the judgment of the Apex Court dated 06.03.2020 and in the event, if the appellants are still aggrieved, it is open to them to seek their remedy appropriate.

5. The appeals stand disposed of in terms of the judgment of the Apex Court in **Civil Appeal Nos.4703-4735/2016 (The Chairman, Life Insurance Corporation of India and Others vs Jagadevi and Others) dated 06.03.2020**. No costs. Consequently, connected miscellaneous petitions are closed.

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(A.P.S., C.J.) (S.K.R., J.)
02.11.2020

Index : Yes/No
sr

To

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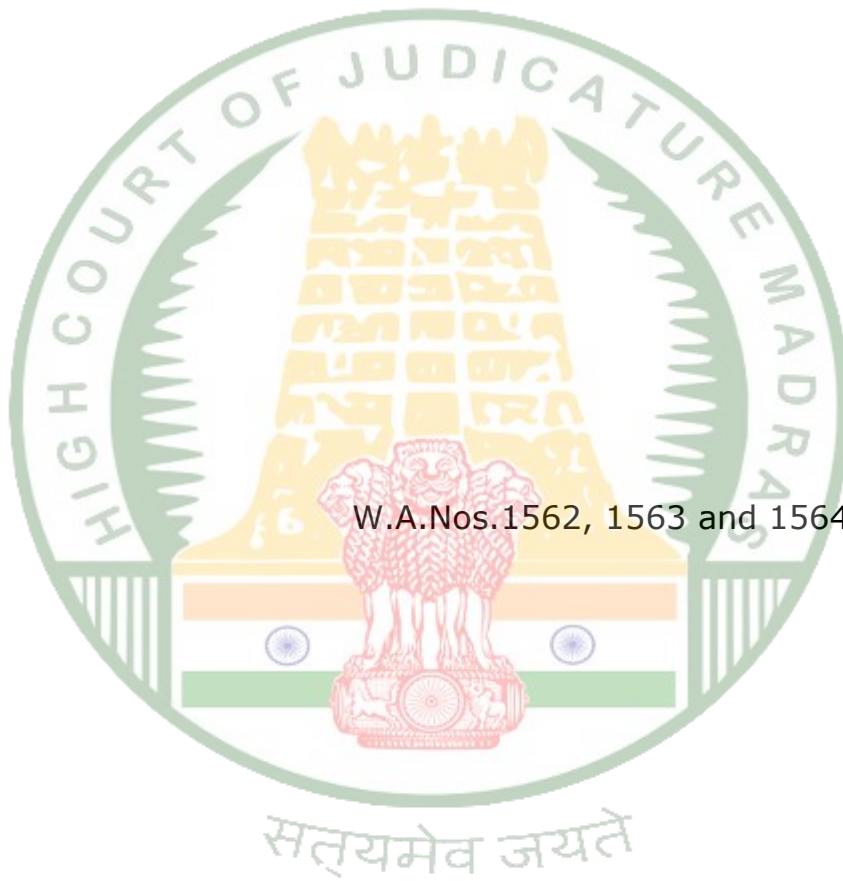


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The Hon'ble Chief Justice
and
Senthilkumar Ramamoorthy, J.

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