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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2020

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P (MD) Nos. 7310, 7311 and 7312 of 2015

and

M.P. (MD) Nos.1, 1 and 1 of 2015

N.Subramanian	... Petitioner in W.P. (MD) No.7310 of 2015
K.C.Ponraj	... Petitioner in W.P. (MD) No.7311 of 2015
S.Bhanumathi	... Petitioner in W.P. (MD) No.7312 of 2015

Vs.

1.The Chairman and Managing Director,
National Insurance Company Ltd.,
No.3, Middleton Street,
Kolkatta - 700 071.

2.The Chairman and Managing Director,
United India Insurance Company Ltd.,
24, Whites Road,
Chennai - 600 014.

3.The Chairman and Managing Director,
New India Assurance Company Ltd.,
87, M.G.Road, Fort,
Mumbai - 400 001.

4.The Chairman and Managing Director,
Oriental Insurance Company Ltd.,
Oriental House,
A-25/27, Asaf Ali Road,
New Delhi - 110 002.

... Respondents in all W.Ps.

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a **Writ of Mandamus**, directing the respondents 1 to 4 to absorb the petitioner in the post of Assistant automatically because they belong to 1993-94 batch or in any event at least against 25% of vacancies reserved for them in the subsequent notification dated 18.11.2014 with monetary, seniority and other service benefits from the date of the notification before considering / appointing any candidate who have not undergone the Insurance Vocational Course like the petitioner.

(in all writ petitions)

For Petitioner

: Mr.R.R.Kannan

For Respondents

: Mr.G.Prabhu Rajadurai for R2 & R3

**COMMON ORDER**

The relief sought for in the present writ petitions is to direct the respondents 1 to 4 to absorb the petitioner is the post of Assistant automatically because they belong to 1993-94 batch or in any event at least against 25% of vacancies reserved for them in the subsequent notification dated 18.11.2014 with monetary, seniority and other service benefits from the date of the notification before considering / appointing any candidate who have not undergone the Insurance Vocational Course by the petitioners.

2.The principle is to be considered is that appointments can never be claimed as a matter of right. Appointments undoubtedly are to be made strictly in accordance with the Rules in force. Equal opportunity in public employment is the constitutional mandate. Keeping the principles in mind, the grievances of the writ petitioners are that they had undergone the vocational courses and therefore, automatic appointment is promised by the respondents/Insurance Company. In view of the fact that the appointment becomes automatic on completion of vocational course, the learned counsel appearing for the petitioners states that the petitioners are to be appointed automatically.

3.The learned counsel appearing for the second and third respondents sharply pointed out that the petitioners were already appointed during the year 1977 itself and they had served few years with the respondents/Insurance Company and voluntarily resigned their jobs. All the writ petitioners were appointed and resigned their respective posts and now after several years, they have filed the present writ petitions seeking a fresh appointment.

4.This Court is of the considered opinion that as per the promise given, the writ petitioners were appointed in the year 1997 and they worked few years with the respondents/Insurance Company. When they have resigned their jobs voluntarily, now there is no reason to seek a fresh appointment after a lapse of about 10 years. The writ petitions are filed in the year 2015. Admittedly, the writ petitioners completed their vocational courses in the year 1993-1994.

5.This being the factum, the very relief sought for in the present writ petitions cannot be granted and accordingly, all these writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The Chairman and Managing Director,
National Insurance Company Ltd.,
No.3, Middleton Street,
Kolkatta - 700 071.

+3 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-23260 to 23263[F] dated 30/11/2020)

+3 CC to M/s.R.R.KANNAN, Advocate (SR-23286[F] dated 30/11/2020)

W.P[MD]]Nos. 7310, 7311 and 7312 of 2015

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ck(CO)

TR(08.12.2020) 3P 8C