



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) Nos.8620 & 8627 of 2021 and
22695, 22708, 22736, 22788 & 22743 of 2019

and

W.M.P.(MD) Nos.19451, 19453, 19456, 19457, 19483, 19551, 19552,
19494, 19495 & 19484 of 2019 and 6489 & 6495 of 2021

S.Balaprabhu	... Petitioner in WP(MD). 8620/ 2021
Thanush.S	... Petitioner in WP(MD). 8627/ 2021
G. Nandakumar	... Petitioner in WP(MD). 22695/ 2019
A. Sundaramurthy	... Petitioner in WP(MD). 22708/ 2019
A. Murugan	... Petitioner in WP(MD). 22736/ 2019
G.Palanivelrajan	... Petitioner in WP(MD). 22788/ 2019
.T.V.Saravanan	... Petitioner in WP(MD). 22743/ 2019

-vs-

- 1.The Executive Director (Personnel),
Life Insurance Corporation of India,
Central Office, Mumbai-400 021.
- 2.The Zonal Manager,
Zonal Office,
Life Insurance Corporation of India,
152, Anna Saalai, Chennai-600 002.
- 3.The Senior Divisional Manager,
Thanjavur Divisional Office,
Life Insurance Corporation of India,
Jeevan Prakash, Gandhiji Road,
Thanjavur-613 001. ... Respondents in WP(MD). 8620/ 2021



1. The Executive Director (Personnel),
Lic of India, Central Office, Mumbai- 400 021
2. The Zonal Manager Zonal Office,
Lic of India, 152, Anna Salai, Chennai-600 002
3. The Senior Divisional Manager
Tirunelveli Divisional Office, Lic of India, Jeevan Prakash, 9A,
Punithavathiyar St., Palayamkottai,
Tirunelveli District - 627002

... Respondent in WP(MD). 8627/ 2021

1. The Chairman Life Insurance Corporation of India,
Central Office, Yogak Shema, Mumbai-400021
2. The Zonal Manager Life Insurance Corporation of India,
Southern Zonal Office, Anna Salai, Chennai-2

... Respondents in WP(MD)Nos... 22695,22708,22736,22788
& 22743/ 2019

Prayer in WP(MD). 8620/ 2021:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 3rd respondent to appoint the petitioner (Registration No.1780753078) in the post of Assistant if he is found otherwise eligible by considering his application dated 29.09.2019 in pursuant to the notification of the 3rd respondent dated 17.09.2019.

Prayer in WP(MD). 8627 of 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-4. To issue a Writ of Mandamus, writ or direction in the nature of a writ directing the 3rd respondent to appoint the petitioner (Registration No.1780571642) in the post of Assistant if he is found otherwise eligible by considering his application dated 27.09.2019 in pursuant to the notification of the 3rd respondent dated 17.09.2019.

Prayer in WP(MD). 22695, 22708, 22736, 22788, & 22743 of 2019:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus to Call for the records of the 1st respondent Online notification dated 17.09.2019 and quash the same and consequently direct the respondents to give appointment to the petitioner as per the Honourable Apex Court Judgement reported in (2015) 9 SCC 62 with all the monetary benefits



In W.P.(MD) Nos.8620 & 8627 of 2021:-

For Petitioner : Mr.Kathirvelu
Senior Counsel
assisted by Mr.K.Prabhu

For Respondents : Mr.G.Prabhurajadurai

In W.P.(MD) Nos.22695, 22708 and 22736 of 2019:-

For Petitioner : Mr.D.Selvanayagam
For Respondents : Mr.G.Prabhurajadurai

In W.P.(MD) No. 22788 of 2019:-

For Petitioner : Mr.D.Selvanayagam
For Respondents : Mr.C.Godwin

In W.P.(MD) No.22743 of 2019:-

For Petitioner : Mr.D.Selvanayagam
For Respondents : Mr.D.Shanmugaraja Sethupathi

COMMON ORDER

The issues raised in these writ petitions are no more *res integra*, as the Hon'ble Supreme Court elaborately considered the issue in Miscellaneous Application No.1150 of 2019 in Contempt Petition (Civil) No.1921 of 2019 in Civil Appeal No.6950 of 2009, dated 27.04.2022 and the Hon'ble Supreme Court passed the following order:-

"75. The dispute is now of an antiquity tracing back to nearly four decades. Finality has to be wrung down on the dispute to avoid uncertainty and more litigation. Nearly thirty-one years have elapsed since 1991. We have come to the conclusion that the claims of those workers who are duly found upon verification to meet the threshold conditions of eligibility should be resolved by the award of monetary compensation in lieu of absorption, and in full and final settlement of all claims and demands. Thus, this Court directs the following:

(i) A fresh verification of the claims of workers who claim to have been employed for at least 70 days in Class IV posts over a period of three years or 85



days in Class III posts over a period of two years shall be carried out;

(ii) The verification shall be confined to persons who were working between 20 May 1985 and 4 March 1991;

(iii) All persons who are found to be eligible on the above norm shall be entitled to compensation computed at the rate of Rs 50,000 for every year of service or part thereof. The payment of compensation at the above rate shall be in lieu of reinstatement, and in full and final settlement of all claims and demands of the workers in lieu of regularisation or absorption and notwithstanding the directions issued by this Court in TN Terminated Employees Association (supra);

(iv) In carrying out the process of verification, the Committee appointed by this Court shall not be confined to the certified list before the CGIT and shall consider the claims of all workers who were engaged between 20 May 1985 and 4 March 1991;

(v) For the purpose of verification, LIC shall make available all the records at the Divisional level to the Committee appointed by this Court;

(vi) It will be open to the workers concerned or, as the case may be, the Unions and Associations representing them, to make available such documentary material in their possession for the purpose of verification;

(vii) The process of verification shall be carried out independently without regard to the Dogra Report, which is held to be flawed;

(viii) The payment of compensation in lieu of reinstatement shall be effected by LIC within a period of three months from the date of receipt of the report of verification by the Committee; and

(ix) The task of verification shall be carried out by a Committee consisting of:

(a) Mr Justice P K S Baghel, former Judge of the Allahabad High Court; and



(b) *Shri Rajiv Sharma, former District Judge and member of the UPHJS.*

LIC shall provide all logistical assistance to the Committee and bear all expenses, including secretarial expenses, travel and incidental expenses, as well as the fees payable to the members of the Committee. Justice P K S Baghel shall fix the terms of remuneration payable to the members of the Committee.

2. In view of the judgment of the Hon'ble Supreme Court cited supra, the case of the petitioners is also to be considered. Accordingly, the Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb/abr

To

- 1.The Executive Director (Personnel),
Life Insurance Corporation of India,
Central Office, Mumbai-400 021.
- 2.The Zonal Manager,
Zonal Office,
Life Insurance Corporation of India,
152, Anna Saalai, Chennai-600 002.
- 3.The Senior Divisional Manager,
Thanjavur Divisional Office,
Life Insurance Corporation of India,
Jeevan Prakash, Gandhiji Road,
Thanjavur-613 001.
4. The Senior Divisional Manager
Tirunelveli Divisional Office, Lic of India,
Jeevan Prakash, 9A, Punithavathiyar St.,
Palayamkottai, Tirunelveli District - 627002



5. The Chairman
Life Insurance Corporation of India,
Central Office, Yogak Shema, Mumbai-400021

6. The Zonal Manager
Life Insurance Corporation of India,
Southern Zonal Office, Anna Salai, Chennai-2

+5 CC to Mr.D.SELVANAYAGAM, Advocate SR.No. 22712 TO 22716
+1 CC to Mr.D.SHANMUGARAJA SETHUPATHI, Advocate SR.No. 22476
+1 CC to Mr.G.GODWIN, Advocate SR.No. 22416
+1 CC to Mr.K.PRABHU, Advocate SR.No. 22791
+1 CC to Mr.G.PRABHU RAJADURAI, Advocate SR.No. 23148

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