



WP(MD)No.17380 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.08.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.17380 of 2019
and W.M.P.(MD)Nos.13895 & 13897 of 2019

A.Ashraf Ali

... Petitioner

/vs./

1.The Managing Director,
Life Insurance Corporation of India,
Central Office,
Yogakshama,
Jeevan Bima Marg,
Mumbai.

2.The Zonal Manager,
Life Insurance Corporation of India,
Annasalai, Chennai – 2.

3.The Senior Divisional Manager,
Life Insurance Corporation of India,
Sellur, Madurai – 2.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 3rd respondent in his proceedings in Ref. P&IR dated 02.07.2019 and quash the same as illegal and consequently direct the



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respondents to re-appoint the petitioner either as Assistant or Record Clerk with effect from the date of termination as Development Officer on 19.06.2014 in terms of Rule 15 of the Life Insurance Corporation of India Development Officer on 19.06.2014 in terms of Rule 15 of the Life Insurance Corporation of India Development Officers (Revision of Certain Terms and Conditions of Service) Rules, 2009 within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

For Respondents : Mr.G.Prabhu Rajadurai,
Standing Counsel.

ORDER

The petitioner was originally appointed as Apprentice Development Officer by the respondents Corporation on 26.09.1987 and thereafter, confirmed as Development Officer on 01.04.1989. After rendering service for about 27 years, his services were terminated through the order dated 10.03.2014, by stating that his performance was not satisfactory as per the appraisal. Thereafter, when the petitioner herein had sought for reappointment as Assistant or Record Clerk to do administrative work in the Class-III posts, his request was rejected through the impugned order dated 02.07.2019, which is put under challenge in the present



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2. Rule 15 of the Life Insurance Corporation of India Development Officers (Revision of Certain Terms and Conditions of Service) Rules 2009, provides as follows:

“15. Re-appointment of terminated Development Officer:

If a Development Officer, whose services are terminated in pursuance of Rule 7 has completed at least seven of service in Class II on the date of such termination and has not completed 55 years of age, he shall be eligible for reappointment in the service of the Corporation to do administrative work in Class III either as Assistant or Record Clerk in accordance with such qualification and suitability as may be specified under the Life Insurance Corporation of India (Reappointment of Terminated Development Officers) Rules, 1990 :

Provided that notwithstanding the break in service as a consequence of termination, his service in the Corporation shall be deemed to be continuous for the purpose of leave; and also for the purpose of gratuity or provident fund if he has not received or if he has received but repays to the Corporation such amount of gratuity or provident fund as he has received.”

3. As per the aforesaid Rule, when a Development Officer completes seven



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years of service and is less than 55 years of age, he would be eligible for re-appointment in Class III posts either as an Assistant or Record Clerk. Thus, the entitlement under Rule 15 is a mandatory condition to grant re-employment to such Development Officers, subject to the condition that he should have completed seven years of service and should be less than 55 years of age. If that be so, the rejection of the petitioner's request for re-employment in Class III posts, would be in contradiction to the mandatory provisions under Rule 15, which entitles the Development Officer to seek the post of Assistant or Record Clerk.

4. Incidentally, Rule 18 of the Life Insurance Corporation of India (Employees) Pension Rules, 1995 provides that whenever an employee, being a Development Officer is re-employed back into service, his service prior to his reemployment shall be counted for the “qualifying service”.

5. In the result, the impugned order dated 02.07.2019 is quashed. Consequently, there shall be a direction to the third respondent herein to pass appropriate orders notionally appointing the petitioner to the post of Assistant or Record Clerk in Class III, with effect from 02.07.2019 and that he is deemed to



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have retired from service on the date of attaining the age of superannuation.

While passing such orders, the third respondent herein shall also pass orders taking into account the past service of the petitioner in the post of Development Officer, as qualifying service, for the purpose of calculating the retirement and pensionary benefits. Such orders shall be passed, atleast within a period of six (6) weeks from the date of receipt of a copy of this order.

6. This Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

02.08.2022

Index : Yes / No

Internet : Yes / No

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M.S.RAMESH, J.

vsm

To

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Order made in
W.P.(MD) No.17380 of 2019

Dated:



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