



W.P. No. 24072 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

**W.P. No. 24072 of 2017
and W.M.P. No. 25393 of 2017**

- 1.L.Panneer Selvam
2. S.I.Abdul Razack
3. A.Yesudas
4. G.Ramesh
5. A.Venkatesan
6. D.N.Choodamani
7. P.Sridhar
8. P.Yuvarag
9. K.Gomathy
10. J.Ramesh Kumar
11. E.Arulraj
- 12.S.Mohan
- 13.M.Baskar Thondaiman
- 14.K.Devaraj
- 15.K.Sivakumar
- 16.R.Dhanasekar
- 17.V.Kavitha
- 18.N.Yogalakshmi
- 19.J.G.Munuswamy
- 20.R.Mythili
- 21.R.Latha
- 22.V.L.Subramanian
- 23.T.Kalaivani
- 24.E.Lakshmi
- 25.R.Jayasree
- 26.B.Vijayalakshmi
- 27.M.Sakthivel
- 28.S.Pyyarappan



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29.M.Dhanapal
30.R.P.Manohar
31.M.Sivanandan
32.V.Surendran
33.R.Ravichandran
34.R.Mythili
35.S.Rangarajan
36.P.Murthy
37.S.B.Duraiswamy
38.R.Srinivasan
39.J.Raja

... Petitioners

-VS-

1. Life Insurance Corporation of India
Rep. By its Chairman
Central Office,
Jeevan Bheema Marg
Yogakhshema,
Nariman Post,
Mumbai.

2. Executive Director (Personnel)
Life Insurance Corporation of India
Rep. By its Chairman
Central Office,
Jeevan Bheema Marg
Yogakhshema,
Nariman Post,
Mumbai.

3. The Zonal Manager,
Life Insurance Corporation of India
Southern Zone,
LIC Building,
Anna Salai, Chennai-2.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Declaration, declaring the Circular No.ZO/MPRL/LGL/2017/165 dated 16.05.2017 of the second respondent



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Corporation in so far as restricting the employees for absorption only from the employees who were party in the dispute before the Central Government Industrial Tribunal in ID.No.27 of 1991 or the names furnished by the Association before the Central Government Industrial Tribunal as illegal, arbitrary and contrary to law and consequently direct the respondent Corporation to consider the application of the petitioners and absorb the petitioners on consideration of working 85 days/70 days as the case may be with all consequential benefits by adopting transparent procedure arrived at after having discussion with Union/Association who are party to the litigation for the smooth implementation of the award.

For Petitioner(s) : Mr.Balan Haridass

For Respondent(s) : Mr.C.K.Chandrasekar for LIC

ORDER

This petition has been filed declaring the Circular No.ZO/MPRL/LGL/2017/165, dated 16.05.2017 of the second respondent Corporation in so far as restricting the employees for absorption only from the employees who were party in the dispute before the Central Government Industrial Tribunal in ID.No.27 of 1991 or the names furnished by the Association before the Central Government Industrial Tribunal as illegal, arbitrary and contrary to law and consequently direct the respondent Corporation to consider the application of the petitioners and absorb



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the petitioners on consideration of working 85 days/70 days as the case may be with all consequential benefits by adopting transparent procedure arrived at after having discussion with Union/Association who are party to the litigation for the smooth implementation of the award.

2. The learned counsel for the respondent submitted that during pendency of the writ petition, the Hon'ble Apex Court has decided the very same issue in C.A.No.6950 of 2009 in the case of Ranbir Singh Vs. SK Roy, Chairman, LIC and another.

In this background, it is relevant to note that the decision rendered by the Hon'ble Apex Court as stated supra is extracted hereunder:

"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:



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- 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 1995 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*



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appointed by this Court,

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- 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 Baghl, 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



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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

76 the Miscelianeous Applications and the Writ Petitions shall be governed by the above directions and are disposed of in Me above terms

77. Pending application (s), if any, shall stand disposed of."

3. The learned counsel for the petitioner has not disputed the said fact submitted by the learned counsel for the respondent.

4. The above judgment will squarely apply to the facts of the present case also. In view of the settled position of law, the present Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

08.08.2023

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Index: Yes/No

NCS : Yes/No



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M.DHANDAPANI, J.

Rli

To

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Central Office,
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2. Executive Director (Personnel)
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