



W.P.(MD)No.3412 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.3412 of 2020

R.Parthasarathy

... Petitioner

Vs.

1.The Regional Manager (P & IR),
Life Insurance Corporation of India,
South Zone,
P. Box No.2450,
153, Anna Salai,
Chennai-2.

2.The Senior Divisional Manager,
Life Insurance Corporation of India,
Divisional Office,
Madurai.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent in connection with the order passed in Ref: P & IR dated 22.07.2019 and quash the same as illegal and constitutional, consequently direct the respondents to give reappointment to the petitioner under Rule 9 of the Life Insurance Corporation of India Development Officers (Revision of certain terms and conditions of service) Rule 2009, from the date on which the petitioner made request



W.P.(MD)No.3412 of 2020

for reappointment i.e on 10.04.2013 with all monitory and service benefits within the time stipulated by this Court.

For Petitioner : Mr.S.Balamurugan
For Respondents : Mr.G.Prabhu Rajadurai

ORDER

This writ petition has been filed to quash the order passed by the second respondent in Ref: P & IR dated 22.07.2019 and consequently, to direct the respondents to give reappointment to the petitioner under Rule 9 of the Life Insurance Corporation of India Development Officers (Revision of certain terms and conditions of service) Rule 1989(hereinafter referred to as "the Rules"), from the date on which the petitioner made a request for reappointment i.e on 10.04.2013 with all monitory and service benefits within a stipulated period.

2. The case of the petitioner is that the petitioner was initially appointed as Development Officer on 22.06.2002 and he was made permanent on 21.04.2004. Subsequently, due to family problems, the petitioner was not in a position to discharge his duties satisfactorily, which has resulted in terminating from service with effect from



W.P.(MD)No.3412 of 2020

WEB COPY

21.03.2013. However, the petitioner made a request for employment under Rule 9 of the Rules. Since the same was not considered, the petitioner filed W.P(MD)No.16120 of 2015, which was disposed of on 04.09.2015, directing to consider his application for re-employment. Thereafter, interview was held and the petitioner's request was rejected. Aggrieved, the petitioner filed W.P(MD)No.1319 of 2016, wherein this Court remitted the matter back to the second respondent to pass fresh orders after granting opportunity to the petitioner. Pursuant to which, the second respondent has passed the impugned order rejecting the request of the petitioner. Hence, challenging the same, the petitioner has filed this writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that it is true that the petitioner was not performed well as Development Officer and he was terminated from service by invoking Rule 7 of the Rules. However, the petitioner was entitled to be considered for re-employment in terms of Rule 9 of the Rules. However, without assigning any reason, the second respondent has mechanically rejected the request of the petitioner. However, subsequently, based on the



W.P.(MD)No.3412 of 2020

direction issued by this Court, the present impugned order is passed.

Though the second respondent has assigned some reason for rejection of re-employment, which is not in consonance with Rule 9 of the Rules and therefore, the impugned order is liable to be interfered with and accordingly, prayed for allowing of this writ petition.

4. The learned standing counsel appearing for the respondents would submit that the petitioner was recruited as a Development Officer in the respondent Corporation and that his services were confirmed vide order, dated 21.04.2004. However, the business performance of the petitioner was on the declining trend and for the said reason, he was terminated from service with effect from 23.02.2013 under Rule 7 of the Rules. Subsequently, the petitioner made an application for re-employment. When the said application is pending, the petitioner moved this Court and pursuant to the order of this Court, a Committee was constituted for the purpose of interviewing the petitioner. Considering the performance of the petitioner, it was opined that the petitioner was not suitable for re-employment. Challenging the same, the petitioner has filed a writ petition in W.P(MD)No.1319 of 2016



W.P.(MD)No.3412 of 2020

WEB COPY

wherein this Court remanded the matter for fresh consideration. Once again, the petitioner was interviewed and it was found that the petitioner was not suitable for reappointment. The Rules prescribed conditions of eligibility and criteria for reappointment. Further, the Committee has also opined that the petitioner is not suitable for reappointment and therefore, there is no irregularity or infirmity in the order passed by the second respondent and hence, prays for dismissal of this writ petition.

5. Heard the learned counsel appearing on either side and perused the materials produced before this Court.

6. Admittedly, the petitioner rendered services as Development Officer in the respondent Corporation and due to poor performance, he was terminated from service by invoking Rule 7 of the Rules. Subsequently, the petitioner made a representation for re-employment in terms of Rule 9 of the Rules. However, earlier, the second respondent has passed a two line order, which was set aside by this Court and the matter was remitted back for fresh consideration after affording opportunity. Pursuant to the order of this Court, the second respondent



W.P.(MD)No.3412 of 2020

WEB COPY

again rejected the request of the petitioner for re-employment on the ground that in the interview conducted, the petitioner did not perform well and therefore, he is not suitable for re-employment, which cannot be interfered with in the absence of any material to disprove the decision of the second respondent. Further, the petitioner himself admitted that he did not perform well in the past services and therefore, the prayer made in the writ petition cannot be granted and the writ petition deserves to be dismissed.

7. In the result, this writ petition is dismissed. No Costs.

11.01.2023

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Index:Yes/No

NCC:Yes/No



WEB COPY



W.P.(MD)No.3412 of 2020

M.DHANDAPANI, J.

pm

W.P.(MD)No.3412 of 2020

11.01.2023