

THE HONOURABLE SRI JUSTICE K.SARATH
WRIT PETITION Nos.22409, 23667, 24218, 24414,
25724, 27242 & 33519 of 2017, 1784 of 2018

COMMON ORDER:

1. Heard Smt.K.Udaya Sri, learned counsel appearing for the petitioners in all the petitions, and Sri K.G.Krishna Murthy, learned Senior Counsel appearing for the respondents/Life Insurance Corporation of India.
2. Both the counsel submitted that since the issue involved in all these petitions is one and the same, they are heard together and are being disposed of by way of this Common order.
3. The learned Senior Counsel appearing for the respondents submitted that these writ petitions may be disposed of in view of the orders passed by the Hon'ble Supreme Court in Miscellaneous Application No.1150 of 2019 in Contempt Petition (Civil) No.1921 of 2017 in Civil Appeal No.6950 of 2009 and batch dated 27.04.2022 and the learned Counsel appearing for the petitioners also agreed for disposal of these writ petitions in the light of the above judgment of the Hon'ble Supreme Court.

4. The Hon'ble Supreme Court in Miscellaneous Application No.1150 of 2019 in Contempt Petition (Civil) No.1921 of 2017 in Civil Appeal No.6950 of 2009 and batch dated 27.04.2022 at para No.75 held as follows:

“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; 39 (2006) 4 SCC 1 PART K 89

(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.

(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 PART K 90

(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”.

5. In view of the submissions made on both sides, these writ petitions are disposed of, directing the respondents to consider the case of the petitioners for regularization of their services as per the directions issued by the Hon'ble Supreme Court in the above judgment.

6. Accordingly, with the above direction all the writ petitions are disposed of.

7. Miscellaneous petitions pending if any, shall stand closed. No costs.

JUSTICE K.SARATH

Date:18.01.2023.
Krl.