



IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 14TH DAY OF NOVEMBER, 2024

BEFORE

THE HON'BLE MR. JUSTICE N.S.SANJAY GOWDA

WRIT PETITION NO. 82263 OF 2012 (S-REG)

C/W

WRIT PETITION NO. 200640 OF 2018 (S-RES)

WRIT PETITION NO. 201560 OF 2018 (S-DIS)

WRIT PETITION NO. 201561 OF 2018 (S-REG)

WRIT PETITION NO. 201562 OF 2018 (S-REG)

IN W.P.No. 82263/2012:

BETWEEN:

1. SHREEDHAR GOUDA,
S/O RAMANGOUDA, AGE 36 YEARS,
OCC. ASST-CUM-COMPUTER OPERATOR
(TEMPORARY)
LIC OF INDIA, CB-II BRANCH
MSK MILLS ROAD, GULBARGA,
R/O OM NAGAR, SEDAM ROAD,
GULBARGA.
2. JYOTHI D/O NAGENDRAPPA,
W/O CHANAMALLAPPA,
AGE 28 YEARS,
OCC. ASST-CUM-COMPUTER OPERATOR
(TEMPORARY)



LIC OF INDIA, CB-II, GULBARGA.

3. VINOD,
S/O UMLA RATHOD AGE 25 YEARS,
OCC.ASST-CUM-COMPUTER OPERATOR
(TEMPORARY)
LIC OF INDIA, CB-II BRANCH
MSK MILLS ROAD, GULBARGA,
R/O OM NAGAR, SEDAM ROAD,
GULBARGA.

...PETITIONERS

(BY SRI. P.VILAS KUMAR., SENIOR COUNSEL., FOR
SRI.NITESH PADIYAL., ADVOCATE)

AND:

1. THE CHAIRMAN,
LIFE INSURANCE COPORATION OF INDIA,
CENTRAL OFFICE, YOGAKSHMA,
4TH FLOOR, JEEVAN BIMA MARG,
NARIMAN POINT, MUMBAI-76003.
2. THE ZONAL MANAGER,
LIFE INSURANCE CORPORATION OF INDIA,
SOUTH CENTRAL ZONAL OFFICE,
SAIFABAD, HYDERABAD-500 063.
3. THE SENIOR DIVISIONAL MANAGER,
LIFE INSURANCE CORPORATION OF INDIA,
"AMRUTH PRAKASH" P.B.No.43
SA TH KACHERI ROAD,
RAICHUR-584 101.
4. THE BRANCH MANAGER,
LIC OF INDIA,
CB-II BRANCH, MSK MILLS ROAD,
GULBARGA-585 102.

...RESPONDENTS

(BY SRI. UDAY.P.HONGANTIKAR., ADVOCATE)



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARY FOR QUASHING THE LIC OF INDIA (EMPLOYMENT OF TEMPORARY STAFF) INSTRUCTIONS 1993, CIR.No.ZD/792/ASP/93 DATED:28.06.1993 WHICH IS AT ANNEXURE-A AND ORDER FOR QUASHING THE CIRCULAR REF.P AND IR/066/2012-13 DATED 17.04.2012 ISSUED BY THE RESPONDENT No.3 WHICH IS AT ANNEXURE-B, ETC.

IN W.P.No. 200640/2018:

BETWEEN:

UMESH,
S/O HULIGEPPA, AGE 30 YEARS,
OCC. ATTENDER IN LIC OF INDIA,
SINDHANOOR BRANCH,
R/O DR.B.R.AMBEDKAR NAGAR,
WARD No.26, SUKALPETH,
SINDHANOOR-584 128,
DIST. RAICHUR.

...PETITIONER

(BY SRI.P. VILAS KUMAAR., SENIOR COUNSEL APPEARING FOR
SRI.NITESH PADIYAL., ADVOCATE)

AND:

1. THE CHAIRMAN,
LIFE INSURANCE CORPORATION OF INDIA,
CENTRAL OFFICE, "YOGAKSHEMA"
2ND FLOOR JEEVAN BHIMA MARG,
MUMBAI.
2. THE ZONAL MANAGER,
LIC OF INDIA, JEEVAN BHAGYA,
SOUTH CENTRAL ZONE,
SAIFABAD, HYDERABAD-500 001.
3. THE BRANCH MANAGER,
LIC OF INDIA, SINDHANOOR-584 128



DIST. RAICHUR.

...RESPONDENTS

(BY SRI. UDAY.P. HONGANTIKAR., ADVOCATE FOR R-1 TO R-3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI FOR QUASHING THE CIRCULAR ISSUED BY RESPONDENT No.3 DATED 05.01.2018 IN SO FAR AS PETITIONER IS CONCERNED, CONSEQUENTLY ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENTS TO TREAT THE PETITIONER WHO HAVE BEEN APPOINTED AGAINST PERMANENT VACANCY SINCE THE DATE OF HIS APPOINTMENT I.E., APRIL 2010 AND ORDER FOR PAYMENT OF ARREARS OF WAGES WITH ALL CONSEQUENTIAL BENEFITS. IN THE ALTERNATIVE, ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENTS TO REGULARIZE THE SERVICE OF THE PETITIONER W.E.F APRIL 2010 WITH ALL CONSEQUENTIAL BENEFITS INCLUDING FIXATION OF SALARY OF PAYMENT OF ARREARS OF WAGES ETC., IN THE INTEREST OF JUSTICE.

IN W.P.No.201560/2018:

BETWEEN:

CHIDANAND,
S/O DEVENDRA AGE 30 YEARS,
OCC. ATTENDER IN LIC CB-II BRANCH,
NEAR CENTRAL BUS STAND,
KALABURAGI-585 104.
R/O INGALAGI TALUK AFZALPUR,
DISTRICT KALABURAGI.

...PETITIONER

(BY SRI. P. VILAS KUMAR., SENIOR COUNSEL APPEARING FOR
SRI. NITESH PADIYAL., ADVOCATE)

AND:

1. LIFE INSURANCE CORPORATION OF INDIA,
CENTRAL OFFICE, "YOGAKSHEMA"
2ND FLOOR, JEEVAN BHIMA MARG,
MUMBAI,



THROUGH ITS CHAIRMAN-4000 80.

2. THE SENIOR DIVISIONAL MANAGER,
LIC OF INDIA, DIVISIONAL OFFICE,
POST BOX No.43, RAICHUR-584 101.
3. THE BRANCH MANAGER,
LIC CB-II BRANCH,
NEAR CENTRAL BUS STAND,
KALABURAGI-585 102.

...RESPONDENTS

(BY SRI. UDAY.P. HONGANTIKAR., ADVOCATE FOR R-1 TO R-3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING THAT THIS HON'BLE COURT MAY BE PLEASED TO ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENTS TO TREAT THE PETITIONER TO HAVE BEEN APPOINTED AGAINST PERMANENT VACANCY SINCE THE DATE OF HIS APPOINTMENT I.E., JUNE 2006 WITH ALL CONSEQUENTIAL BENEFITS INCLUDING THE ARREARS OF WAGES.

IN W.P.No.201561/2018:

BETWEEN:

VIJAYANANDA
S/O NARASING RAO PAWAR
AGE 33 YEARS,
OCC ATTENDER-SUB-STAFF
OCC. ATTENDER IN LIC CB-II BRANCH,
NEAR CENTRAL BUS STAND,
KALABURAGI-585 104.
R.O NEAR AMBABAI TEMPLE,
SHAHABAZAAR, KALABURAGI.

...PETITIONER

(BY SRI. P. VILAS KUMAR., SENIOR COUNSEL APPEARING FOR
SRI. NITESH PADIYAL., ADVOCATE)

AND:



1. LIFE INSURANCE CORPORATION OF INDIA,
CENTRAL OFFICE, "YOGAKSHEMA"
2ND FLOOR, JEEVAN BHIMA MARG,
MUMBAI. THROUGH ITS CHAIRMAN-4000 80.
2. THE SENIOR DIVISIONAL MANAGER,
LIC OF INDIA, DIVISIONAL OFFICE,
POST BOX No.43, RAICHUR-584 101.
3. THE BRANCH MANAGER,
LIC CB-II BRANCH,
NEAR CENTRAL BUS STAND,
KALABURAGI-585 102.

...RESPONDENTS

(BY SRI. UDAY.P. HONGANTIKAR., ADVOCATE FOR R-1 TO R-3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENTS TO TREAT THE PETITIONER TO HAVE BEEN APPOINTED AGAINST PERMANENT VACANCY SINCE THE DATE OF HIS APPOINTMENT I.E., JUNE 2006 WITH ALL CONSEQUENTIAL BENEFITS INCLUDING THE ARREARS OF WAGES, ETC.

IN W.P.No.201562/2018:

BETWEEN:

MADIWALAPPA
S/O CHANNABASAPPA,
AGE 28 YEARS,
OCC:ATTENDER IN LIC CB-I BRANCH,
NEAR OLD JAIL GARDEN,
KALABURAGI-585 104
R/O HALLANOOR TALUK,
AFZALPUR,
DISTRICT.KALABURAGI.

...PETITIONER

(BY SRI. P. VILAS KUMAR., SENIOR COUNSEL APPEARING FOR
SRI. NITESH PADIYAL., ADVOCATE)



AND:

1. LIFE INSURANCE CORPORATION OF INDIA,
CENTRAL OFFICE, "YOGAKSHEMA"
2ND FLOOR, JEEVAN BHIMA MARG,
MUMBAI,
THROUGH ITS CHAIRMAN-4000 80.
2. THE SENIOR DIVISIONAL MANAGER,
LIC OF INDIA, DIVISIONAL OFFICE,
POST BOX No.43,
RAICHUR-584 101.
3. THE BRANCH MANAGER,
LIC CB-II BRANCH,
NEAR CENTRAL BUS STAND,
KALABURAGI-585 102.

...RESPONDENTS

(BY SRI. UDAY.P. HONGANTIKAR., ADVOCATE FOR R-1 TO R-3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENTS TO TREAT THE PETITIONER TO HAVE BEEN APPOINTED AGAINST PERMANENT VACANCY SINCE THE DATE OF HIS APPOINTMENT I.E., APRIL 2014 WITH ALL CONSEQUENTIAL BENEFITS INCLUDING THE ARREARS OF WAGES, ETC.

THESE PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 22.10.2024, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: THE HON'BLE MR JUSTICE N S SANJAY GOWDA

CAV ORDER

1. W.P. No.82263-265/2012 is filled by Shreedhar Gouda, Jyothi and Vinod.



2. Shreedhar Gouda contends that he was appointed in November, 1999 as an 'Attender-cum-Assistant Computer Operator' after appearing for an interview, and he was appointed as a temporary employee. He also admits that no appointment orders were issued to him in writing and that his name was notified in the notice board, asking him to report for duty immediately

3. Jyothi and Vinod also contend, in the same way, that they were appointed in the month of June, 2006 and were also not issued with any appointment orders, but their names were notified in the notice board. In the petition filed by them, they have challenged the quashing of the LIC of India (Employment of Temporary Staff) Instructions, 1993 and also the circular dated 17.04.2012 issued by respondent No.3 (Annexure B).

4. W.P. No.200640 of 2018, W.P. No.201560 of 2018, W.P. No.201561 of 2018, W.P. No.201562 of 2018 are filed by Umesh, Chidanand, Vijayananda and Madiwalappa respectively.



5. Umesh (the petitioner in W.P.No.200640/2018) contends that he was appointed as an 'Attender cum D-Group employee' in April of 2010 against the recruitment notification which was published in the notice board, and after he faced an interview with others, he was selected on his own merit. He also contends that his name was exhibited on the notice board and that he reported for duty in April, 2010. He contends though he was appointed against a permanent vacancy, he was treated as a temporary / daily wage employee.

6. Chidanand (the petitioner in W.P.No.201560/2018) also contends that pursuant to a notification notified in the notice board, he had applied, and after he was interviewed and found to possess the requisite merit, his appointment was notified on the notice board, following which and he reported for duty in the month of June, 2006.

7. Vijayananda (the petitioner in W.P. No.201561/2018) similarly contends that as against the notification which



was notified in the notice board, he had applied, and after being interviewed and being found to possess requisite merit, he was appointed with his name being notified on the notice board. He contends that he started working in the year 2007.

8. Madiwalappa (the petitioner in W.P.No.201562/2018) also contends that as against the notification issued in the month of April, 2014, he applied for the post of Attender along with others and after he was interviewed and found to possess requisite merit, he was appointed and his appointment was also notified on the notice board and he had reported to duty in the month of April, 2014. Umesh, Chidanand, Vijayananda and Madiwalappa seek quashing of the circular dated 05.01.2018 (*vide* **Annexure-A** to the respective writ petitions) and for issuance of a direction to treat them as being appointed against permanent vacancies along with arrears, and for issuing a direction to regularize their services with effect from the dates they were appointed.



9. In the objections of the LIC to the petition filed by Shreedhar Gouda, Jyothi and Vinod, as against the contention of the petitioners that they were appointed pursuant to the notification and an interview, it has been stated as follows:

“3) It is submitted that, it is incorrect to state that the respondent has resorted to several unfair labour practice and engaging the employees against the permanent vacancies and brand them as Temporary or Daily Wage Employees. The statements of the petitioner are not based on the facts. The recruitment in LIC in Class-III & Class-IV is made duly adhering to the rules and regulations of LIC of India (Staff) Regulations, 1960, against temporary vacancies, Temporary Staff is recruited as per LIC of India (Employment of Temporary Staff) Instructions, 1993 marked at ANNEXURE-R1. All these instructions are issued with prior approval of Central Government. Therefore, during office exigencies, for clearing the pending office work, employees have been engaged on Daily Wage basis. These employees are removed once the pending work is cleared. Hence, the respondents did not resort to any such practices.



4) It is submitted that, the LIC of India (Employment of Temporary Staff) Instructions, 1993 were issued with the prior approval of the Central Government. Therefore, the petitioners in this case were not appointed as Temporary Staff as per the above instructions. These petitioners were working as Daily Wagers during office exigencies and the Employment of Temporary Staff Instructions, 1993 was not applicable to them They are employed basically for clearing the pending work on day-today basis without limiting their activities to any particular job or work.

5) The statements averred by the petitioner in the petition alleging of exploiting these employees and defeating their rights etc. are baseless and denied for want of knowledge. The temporary staff is appointed against the temporary vacancies after ensuring that they fulfill the eligibility of criteria. These petitioners were employed on daily basis during office exigencies only.

6) It is submitted that, there is no post such as Attender Cum Asst-Computer Operator in LIC of India. The recruitment of Temporary Assistants was made with the prior permission of the competent authority. The recruitment of temporary assistance in the year 1995 was made as per LIC of India



(Employment of Temporary Staff) Instructions, 1993. The branches of different level were instructed to obtain the list of candidate from concerned Dist. Employment Exchange and the candidates from the concerned District Employment Exchange and the candidates were called for interview to prepare a panel. The candidates from the panel to be engaged for brief, specified periods during leave vacancy etc. of the permanent employees. Appointment letters are issued to such candidates only. The petitioners, however, were not appointed on temporary basis, but were engaged to clear pending work during office exigencies".

10. Thus, the LIC admits that the aforesaid petitioners were appointed on temporary basis to clear the pending work during office exigencies. The assertion that they were appointed continuously has not been denied.

11. It may be pertinent to state that the petitioners in paragraph No.21 of the writ petition stated that they were being paid wages under code No.11329700 till May, 2012 and were asked to issue vouchers for having received their monthly wages. It was contended by them that the code



numbers purported to a head of account, relating to miscellaneous expenses and they were therefore being paid wages under the head of account of miscellaneous expenses even though they were continuously engaged for 5 to 10 years.

12. The petitioners also contended that a circular had been issued on 17.04.2012 by the Head Office directing all the Branch Managers to get rid of all the remaining employees who were branded as temporary employees and on the basis of this circular, the respondents stopped paying wages under the aforementioned code account and started giving wages in the name of a fictitious person. As regards this contention, in para 9 and 10 of the writ petition, the LIC contends as follows:

“9) It is submitted that, the miscellaneous expenses account code No. 11329700 is used for accounting for various types of expenses which cannot be classified under any account head. Payment of daily wages is done using this account head. Since these petitioners were not appointed to



any post in the office, the matter of removing them as mentioned by the petitioners does not arise. The petitioners were engaged only during office exigencies on daily wage basis. 2nd

10) The petitioners were not appointed against any permanent vacancy. They were engaged on daily basis during office exigencies. The petitioners were engaged only to perform the pending jobs and not appointed to any post. Hence, the contention of the petitioners that they are fulfilling all the constitutional and legal requirements for being appointed to the post of Junior Assistants or sub-staff is not correct. Further, no post called for Junior Assistants exists in LIC of India”.

13. Thus, the LIC admitted that account code No.11329700 related to a miscellaneous expenses account and the petitioners were paid daily wages under this head of account.

14. In respect of the circular dated 17.04.2012, the LIC stated as follows:



"The above petitioners were working as daily wagers during office exigencies and were not engaged as temporary workers as per LIC of India (Employment of Temporary Staff) Instructions, 1993. Hence, it is submitted to the Hon'ble Court that quashing of the above instructions is not related to the case of the petitioners. The letter dated 17/04/2012 is related to engagement of temporary assistants under the provisions of the LIC of India (Employment of Temporary Staff) Instructions, 1993 and since the petitioners are not temporary assistants but only daily wagers engaged during office exigencies, the letter dated 17/04/2012 is not related to the case".

15. Thus, the LIC didn't dispute the circular dated 17.04.2012 produced in Annexure-B. By this Annexure, all the Chief Managers and Branch Managers under the Raichur Division were directed not to employ any temporary assistants under their jurisdiction. The relevant portion of the circular which should be exhibited for the purpose of the writ petition are as follows:

"We have called for the data of temporary assistants working in your Branch and also advised



you to terminate their services with immediate effect, if proper sanction has not been obtained for the temporary appointments, from the Competent Authority as per the provisions of Employment of Temporary Staff Instructions, 1993.

The under signed has viewed this matter seriously and directed that no temporary assistants are to be employed in the Branch/SO s under the jurisdiction of the Division in future and no payment should be allowed by operating the OME code in the name of particular persons repeatedly in future. Please note that any deviations with regard to aforesaid instructions the HOB s are personally held responsible”.

16. As could be seen from said Circular, not only was a direction issued not to employ temporary assistants but a direction was also issued not to allow payments by operating the OME code in the future. Thus, the assertion of the petitioners that they were being paid wages under the head of account of miscellaneous expenses was also admitted. It is therefore clear from the conjoint reading of the writ petition and the objections that it is the admitted



case of the LIC that the petitioners were paid as contended by them and the direction to stop payment of wages was only in the year 2012. The petitioners have incidentally filed this petition on 26.06.2012 i.e., after 2 months after the issuance of the circular. It thus goes to show that the petitioners were, in fact, employed continuously as contended by them till the circular was issued calling upon the Branch Managers to stop payment.

17. Similarly in the cases relating to Umesh, Chidanand, Vijayananda and Madiwalappa, the LIC took up the contention similar to that in the case of Shreedhar Gouda, Jyothi, and Vinod.

18. Thus, the assertions of the petitioners, that they were appointed in respect of the dates mentioned by them in the writ petition was not denied by the LIC.

19. The petitioners also raised a contention that the Branch Managers have received an e-mail on 05.01.2018 by which a direction had been issued by the competent



authority that 2 daily wage persons were required to be removed from the Raichur Branch. The e-mail also indicated that a confirmation about the action taken along with the names of the daily wagers, the duration during which they have worked, and the nature of duty attended by them should be informed by e-mail reply, and pursuant to this, the petitioners contend that they were being treated as temporary employees. The LIC in response to this assertion has stated as follows:

“5. It is further submitted here that the Head Office had issued a circular, wherein on 05.01.2018 it has directed the divisional office to remove or terminate the 'D' Group employees who are branded as temporary or daily wage employees. Consequent upon the directions/instructions from the head office, the respondent No.2 has also issued notice dated 05.01.2018 to Branch Office and also the Respondent No.3 office to remove the employees including the petitioner who are branded as daily wage employees”.



20. As could be seen from the above, the LIC does not dispute the contents of the e-mail which contained a positive direction to terminate daily wagers.

21. Thus, in respect of the first writ petition which is filed in the year 2012 and also the subsequent writ petitions which were filed in the year 2018, the LIC clearly admits that the petitioners had been appointed, though without any formal order of appointment in respect of the three petitioners i.e., Shreedhar Gouda, Jyothi, and Vinod, who had filed the writ petitions in the year 2012, had also admits that they were being paid salaries under the head of the account of miscellaneous expenses.

22. It also admits that a circular was issued on 17.04.2012 in respect of three petitioners of the year 2012 to stop paying the money under the head of account of miscellaneous expenses in respect of the petitioners who had filed the petition in the year 2018 and the LIC also admits the circulation of an e-mail which mandated the removal of the daily wagers immediately. This would



thereby indicate that the assertions of the petitioners that they had worked from the respective dates mentioned in their petitions ranging from 1999 to 2014 is not in dispute. If an instrumentality of the State such as the LIC were to admit the employment but thereafter take up an ambivalent stand regarding the payment of salaries, it would only indicate that the LIC was trying to escape its liability in respect of the appointments made by it.

23. As a matter of fact, the LIC was called upon to state in clear terms as to how long the petitioners had worked. In response, learned counsel appearing for the LIC stated that relevant records were not available and given the passage of time, the records could not be traced.

24. It may be stated here that the petitioners have produced the circular dated 17.04.2012 and the e-mail dated 05.01.2018, which relate to the engagement of the personnel on temporary basis and also payment of wages to them. Having regard to the fact that the first batch of



petitioners approached this Court immediately in the year 2012, it is incomprehensible as to how the LIC would not have the records, more so when the LIC filed its counter immediately after the filing of the writ petition in the month of April, 2013 itself.

25. The contentions raised by the LIC stating that the petitioners are not entitled to regularization by virtue of ***Umadevi's*** case¹ would be of no avail in the present case. Since, the present case can be comparable to the decision by a three-Judge Bench of the Supreme Court in a case relating to temporary staff/badli/part time workers by the LIC itself, which is considered later in this judgment.

26. In my view, the attitude adopted by the LIC would clearly indicate that they do not want the Court to be apprised of the factual possession and decided to take an ambiguous stand regarding the nature of appointment,

¹ Secretary, State of Karnataka and Ors. v. Umadevi and Ors., AIR 2006 SC 1806.



length of appointment, and the wages that were paid to the petitioners herein.

27. Be that as it may, the fact remains that the appointments as contended by the petitioners has not been disputed, the assertion of the petitioners that their employment came under the threat pursuant to the circulars dated 17.04.2012 and 05.01.2018 is also not serious dispute. It is therefore clear that the petitioners were in employment from the dates mentioned by them till the issuance of the circulars dated 17.04.2012 and 05.01.2018.

28. It was open for the LIC to produce records relating to the payments made to the petitioners to establish their contention that their engagement was intermittent, and they did not work for the entire year. However, this has not been done. It is unbelievable that the LIC — a financial institution engaged in the business of insuring the lives of millions of people — would not possess the records



relating to the payment of wages to its employees over several years.

29. In light of the improper and unfair stand taken by the LIC, this Court has no other option but to draw an adverse inference and accept the assertion of petitioners that they did render a continuous service from the dates on which they were appointed (as pleaded by them) and that they rendered service continuously till the above-mentioned circulars were furnished.

30. At this stage, the judgment rendered by the Apex Court in the case of **Ranbir Singh**² by a three-Judge Bench of the Supreme Court would be relevant. In that case, the claim of absorption was by persons who had been engaged by the LIC as temporary/badli/part-time workers. The Supreme Court, after taking into consideration all relevant factors including the fact that several of the temporary staff had been absorbed pursuant to its earlier decision, nevertheless, ultimately disposed of

² Ranbir Singh v. S. K. Roy, Chairman, Life Insurance Corp. of India & Anr., 2022 SCC OnLine SC 521.



the petition in the following terms to bring a quietus to the controversy:

"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”.

31. In light of this judgment, the claim of the petitioners for regularization cannot obviously be granted. It may be noticed that the Supreme Court in the cases relating to temporary staff/badli/part time workers who had worked



only for 70 days in Class-IV posts over a period of 3 years or for 85 days in Class-III posts over a period of 2 years found it fit to direct LIC to pay them compensation computed at the rate of Rs.50,000/- for every year of service or part thereof.

32. In my view, interest of justice and equity would be served by following the said dictum, however, with a slight modification (relating to the quantum of compensation) and direct the LIC to pay the petitioners monetary compensation in lieu of absorption.

33. As already observed above, the Supreme Court while dealing with cases relating to Class-IV employees or Class-III employees who worked for 70 days or 85 days in a year, awarded a sum of Rs.50,000/- per year for every year of service rendered as full and final settlement of the claims and demands, in view of regularization or absorption. Since, in the instant case, the petitioners have worked for several years, it would be appropriate to direct



the LIC to pay the petitioners a sum of Rs.1,00,000/- for every year of service rendered.

34. The sum of Rs.50,000/- awarded by the Supreme Court has been taken as the basis and the amount is doubled, given the fact that the LIC did not dispute the continuous service rendered by the petitioners. Since the petitioners have rendered continuous service in excess of 70 days or 85 days (as was in the case examined the Supreme Court) and have also rendered service ranging from 4 to 13 years, a sum of Rs.1,00,000/- for ever year of service rendered would be just and proper, and would meet the ends of justice. Consequently, the petitioners herein would be entitled for the following sums:

Petitioners	Employment period	Amount entitled
Shreedhar Gouda	13 years (Nov, 1999 to 17.04.2012)	13,00,000/- (13 X 1,00,000/-)
Jyothi	6 years (June, 2006 to 17.04.2012)	6,00,000/- (6 X 1,00,000/-)
Vinod	6 years (June, 2006 to 17.04.2012)	6,00,000/- (6 X 1,00,000/-)
Umesh	8 years (April, 2010 to 05.01.2018)	8,00,000/- (8 X 1,00,000/-)



NC: 2024:KHC-K:8466
WP No. 82263 of 2012
And connected matters

Chidanand	12 years (June, 2006 to 05.01.2018)	12,00,000/- (12 X 1,00,000/-)
Vijayananda	11 years (2007 to 05.01.2018)	11,00,000/- (11 X 1,00,000/-)
Madiwalappa	4 years (April, 2014 to 05.01.2018)	4,00,000/- (4 X 1,00,000/-)

35. These writ petitions are accordingly disposed of.

Sd/-
(N.S.SANJAY GOWDA)
JUDGE

GSR
List No.: 19 Sl No.: 1