

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10660 of 2020

1. Raj Kumar Son of Late Pannalal Bhagat Resident of Naya Tola, Mehshaul, Sitamarhi, P.S.- Town Sitamarhi, District- Sitamarhi.
2. Rajiv Kumar Son of Late Nawal Kishor Singh Resident of Village- Punaura, P.S.- Punaura (O.P.) Sitamarhi, District- Sitamarhi.
3. Anku Kumar Pandey Son of Sri Gyan Sagar Pandey Resident of Naya Tola, Mehshaul, Sitamarhi, P.S.- Town Sitamarhi, District- Sitamarhi.
4. Govind Kumar Son of Sri Gangadhar Mishra Resident of Village- Kushahar, P.S.- Tariyani, District- Sheohar.
5. Tarkeshwar Thakur Son of Late Yogendra Thakur Resident of Basdila Bazar Tola, Bherihari, P.S. and District- Gopalganj.
6. Pankaj Shri Pandey Son of Srient Pandey Resident of Harakhua Tola, Ward No.22, P.S. and District- Gopalganj.
7. Sanjay Kumar Mishra Son of Sri Dhurva Mishra Resident of At and P.O.- Rampur Dhaute, P.S.- Kurhayte Kote, District- Gopalganj.
8. Arjun Kumar Choudhary Son of Late Hari Chaudhary Resident of At- Ahirwaliya, P.O.- Dharmparta, P.S.- Manjha Gram, District- Gopalganj.

... .. Petitioner/s

Versus

1. The Life Insurance Corporation of India. Bihar.
2. The Chairman, L.I.C of India (Central Zone Office), 5th Floor, West Wing, Yogakshema, P.B. No.- 19953, Jeevan Bima Marg, Nariman Point, Mumbai-400021.
3. The Zonal Manager, Life Insurance Corporation of India, Zonal Office, Jeevan Deep, Exhibition Road, Patna- 800001.
4. The Senior Divisional Manager, Life Insurance Corporation of India, Divisional Office, Muzaffarpur.
5. The Senior Divisional Manager, Life Insurance Corporation of India, Divisional Office, Patna 2.
6. The Branch Manager, Life Insurance Corporation of India, Branch Sitamarhi, District- Sitamarhi.
7. The Branch Manager, Life Insurance Corporation of India, Branch Gopalganj, District- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.
For the Respondent/s : Mr. Om Prakash, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 22-06-2026



Heard Mr. Anil Kumar, learned Advocate for the petitioners and Mr. Om Prakash, learned Advocate for the Life Insurance Corporation of India.

2. The petitioners, who were working respectively under Sitamarhi Branch under Divisional Office, Muzaffarpur as well as under Branch Gopalganj under Divisional Office, Patna have approached this Court seeking a direction upon the respondents to regularize their services in the Life Insurance Corporation of India (hereinafter referred to as, "Corporation") as they had been working since decades and two till 04th of February, 2020; the date on which the Senior Divisional Manager has come out with a letter informing all the concern that newly Assistants will be joining and now there are sufficient numbers of Assistants for their Branch and, as such, any arrangement in lieu of assistants, which was made till now whether through outsourcing or any other means shall cease with immediate effect. The petitioners have also challenged the letter dated 04.02.2020 in the present writ petition.

3. Learned Advocate for the petitioners submitted that despite the fact the petitioners were discharging their duties to the entire satisfaction of the authorities concerned uninterruptedly for a pretty long period, the Senior Divisional



Manager vide its order dated 04.02.2020 has informed all the Branches that no such arrangement shall continue in any Branch, after issuance of this letter. Not allowing the petitioners to discharge their duties on their respective posts of assistants/Class-IV employees, is said to be wholly arbitrary, illegal and violative of Articles 14 and 21 of the Constitution of India. Similar matter has come up before the Hon'ble Apex Court in Civil Appeal No. 953-968 of 2005, wherein the Hon'ble Court directed the Corporation to absorb the daily wager/temporary employees on the condition, as stipulated in the order dated 18.01.2011.

4. In pursuant to the order of the Apex Court, various persons were duly appointed, but the claim of the petitioners for regularization has not been considered. It is further contended that the Corporation branches under the State of Jharkhand and Odisha comes under L.I.C. of India, Zone Patna and when the similarly situated daily wager under L.I.C. authority in Odisha were restrained to discharge duty, they have approached before the High Court of Cuttack in various writ petitions and the Hon'ble Odisha High Court pleased to direct the respondent Corporation to allow them to discharge the duty before engaging outsiders.



5. Similarly situated persons also came up before the Hon'ble Court and filed CWJC No. 12458 of 2018 and this Court vide its order dated 29.10.2018 has been pleased to direct that any action of the Corporation will be subject to the final result of this Court and the matter is still pending. Reliance has also been placed on a decision rendered in the case of ***Dharam Singh & Ors. Vs. State of U.P. & Anr., Civil Appeal No(s). 8558 of 2018*** as also in the case of ***Prem Chand & Ors. Vs. State of Punjab & Anr., 2026 LiveLaw (SC) 394***. It is lastly contended that in Civil Appeal arising out of ***SLP (C) No(s). 17799-802 of 2025*** titled as ***Life Insurance Corporation of India & Ors. Vs. B.D.G. Prasad Alias Ganesh & Ors.***, the order of the termination of the employees was set-aside and they were allowed to continue to discharge their duties on the very same post and same status, until the prescribed age of superannuation.

6. On the other hand, learned Advocate for the Corporation submitted that in the case of the daily wages workers, the L.I.C. of India went to the Hon'ble Supreme Court in Civil Appeal Nos. 953-968 of 2005 titled as ***LIC of India & Anr. Etc. Vs. D. V. Anil Kumar Etc.*** The Hon'ble Court considering the scheme formulated by the Corporation for



absorption of all the eligible temporary Class-IV employees as one time measure issued directions to the respondent Corporation to consider their claim for absorption in terms of the policy expeditiously.

7. In pursuant to the direction of the Hon'ble Supreme Court, a guideline was issued on 20.05.2011 and accordingly, the Central Office of the Life Insurance Corporation, Mumbai has come out with an advertisement communicating to all the Regional Branches for recruitments/absorption of the temporary daily wages employee, who is/was working for last five years till 18.01.2011. It is submitted that in the advertisement, it was clearly mentioned that one time option limited examination for those temporary persons, who are working in the Corporation for more than five years and who has possessed prescribed minimum qualification and age, their cases would be duly considered. Such of those temporary employees, who do not apply and or not successful shall cease to be in employment.

8. Notwithstanding the aforesaid fact, the petitioner nos. 1,2 and 5, who had been working as unskilled labour and they were eligible to apply in pursuant to the advertisement, they did not apply and thus, the question of their absorption/appointment does not arise. So far the petitioner nos.



3, 4, 6, 7 and 8 are concerned, since they were engaged after the cut off date on 18.01.2011, therefore, their claims were found not admissible.

9. Since the petitioners were never engaged/appointed in terms of rules of the Corporation and not worked against any sanctioned post, they are not entitled for regularization. Identical issue has come up for consideration before this Court in the case of ***Mukesh Kumar & Ors. Vs. The Life Insurance Corporation of India & Ors., CWJC No. 3481 of 2023***, wherein learned co-ordinate Bench after considering their claim in the light of the Constitution Bench decision of the Hon'ble Supreme Court in ***Secretary, State of Karnataka & Ors. Vs. Uma Devi (3) & Ors, (2006) 4 SCC 1*** has not interfered in the impugned order, whereby the claim for their regularization/absorption was turned down.

10. This Court has heard the learned Advocate for the respective parties and also perused the materials available on record as well as the judgment/decisions whereupon reliance have been placed. The facts are admitted to the extent that in pursuant to the order of the Hon'ble Supreme Court in the case of Civil Appeal Nos. 953-968 of 2005, the guideline has been framed and subsequent thereto, an advertisement has also been



issued for recruitment/absorption of the temporary/daily wages employees, who had been working for last five years till 18.01.2011 and they were getting wages directly through the Branch of the Corporation.

11. Despite the fact that the petitioner nos. 1, 2 and 5 were working for the last five years till 18.01.2011, but they did not submit any application or join the process for their absorption in terms of such advertisement. So far the petitioner nos. 3, 4, 6, 7 and 8 are concerned, a counter affidavit has been filed on behalf of the respondent-Corporation and it is categorically submitted that they were not only engaged after 18.01.2011, but through the outsourcing agency.

12. So far reliance placed on a decision rendered by the High Court of Odisha/Cuttack dated 18.02.2020 in W.P. (C) No. 6076 of 2020 is concerned, the same was duly considered by the co-ordinate Bench of this Court in CWJC No. 3481 of 2023 and found that the same has been passed on a different assumption, as their services were required in the Branches and, as such, engagement was done on minimum wages notified by the Ministry of Labour and Employment or the State Government.

13. So far the petitioners of CWJC No. 3481 of 2023



are concerned, those petitioners were neither engaged for any defined service under any rules of the Corporation nor they have been engaged against any sanctioned post, therefore, they cannot claim parity with those. Similar is the position in the present writ petition. It is also not in dispute that the petitioners were discharging their duties on their respective post of Assistants, against which newly recruited Assistants were duly appointed and the Corporation has come out with a decision that sufficient numbers of assistants are duly recruited in different Branches and, therefore, the services rendered by the petitioners and other identically situated persons as a daily wager or through outsourcing are not required.

14. The respondent Corporation also took a conscious decision that earlier arrangement shall be ceased after issuance of the order dated 04.02.2020. The services of the petitioners have also been dispensed with in the year 2020 itself and now more than six years have been lapsed and now the newly recruited assistants have already been appointed.

15. The judgment rendered by the Hon'ble Supreme Court in the case of ***Prem Chand & Ors.*** (supra) with all respect stands with regard to regularization of ad-hoc employees, who were working against Class-III post and they were duly selected



by the Subordinate Selection Board or the Departmental Selection Committee for so many years. However, in the case of the petitioners, their selection has not been made through any Selection Committee or the Board rather they were engaged by the Branch on their own volition. Hence, in the opinion of this Court, the petitioners cannot seek parity with the decisions rendered in the case of ***Prem Chand & Ors.*** (supra).

16. Similar is the position in the case of ***Dharam Singh & Ors.*** (supra) where the appellants/employees were engaged by the Commission on the post of Class-III and Class-IV post and there was perennial requirement of the employees and accordingly, the order for regularization has been passed considering their long undisputed services and the material indicating vacancies. However, in the case in hand, recruitment of Assistants have already been carried out and earlier arrangement has been ceased.

17. In view of the aforesaid discussions and also taking note of the fact that co-ordinate Bench of this Court in CWJC No. 3481 of 2023, while considering the grievance of the identically situated persons, did not find any merit and refused to entertain their claim for regularization. The case of the petitioners are also identical to those of the petitioners in CWJC



No. 3481 of 2023. Hence, this Court does not find any reason to take a different view, accordingly, the present writ petition also stands dismissed.

18. However, in case, there would be any fresh recruitment/advertisement issued by the Corporation and if the petitioners are found eligible, they may apply for the same and their cases shall be considered for absorption/regularization, in accordance with the rules/schemes applicable to them.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.06.2026
Transmission Date	NA

