

ALL INDIA INSURANCE EMPLOYEES' ASSOCIATION
LIC BUILDING SECRETARIAT ROAD HYDERABAD 500 063
(E-mail: aiieahyd@gmail.com)

Cir. No. 09 / 2018

15th May, 2018

To
All the Zonal/Divisional/Regional/State Units,

Dear Comrades,

Supreme Court Order dated May 11th 2018 on CGIT Award

The Supreme Court of India on 11th May, 2018, in its order directed the LIC of India to nominate a senior official of the Corporation to scrutinize the application of the temporary employees who have worked between 20th June, 1985 and 4th March, 1991 and take final decision to absorb the eligible candidates before the next day of hearing i.e. 21st August, 2018.

AIIEA has addressed a letter to Chairman urging him to implement the order of the Supreme Court in letter and spirit by considering the applications of all eligible candidates for absorption. We reproduce the letter written to the Chairman, LIC herein below.

With greetings,

Comradely yours,



General Secretary.

Date: May 15, 2018

The Chairman,
LIC, Central Office,
Mumbai

Dear Sir,

Supreme Court Order dated May 11th 2018 on CGIT Award

The Supreme Court through the above Order has directed LIC to consider absorption of the candidates who have been in employment between 20.5.1985 to 4.3.91 as per the eligibility conditions decided by the CGIT.

We have been representing to you that the interpretation of the CGIT Award and the Supreme Court Judgement by LIC is legally not tenable.

We had pointed out that the CGIT Award and the subsequent order of the Supreme Court is undeniably applicable to all the workmen as Section 18(3) (d) of the ID Act makes it quite clear that where the party to the dispute is composed of workmen; all persons who were employed in the establishment or part of the establishment, as the case may be, to which the dispute relates on the date of the dispute are covered. The Hon'ble High Court of Judicature at Hyderabad too clearly upheld our contention when it passed orders on 11th July 2017 that:

“Prima facie, sub-Clause (c) in Clause (iv) of Para no.2 of the Central Office Circular dt.16.05.2017 is in contravention of the order dt.18.03.2015 in Civil Appeal No.6950 of 2009 and batch, decided by the Supreme Court, and the Supreme Court did not confine it only to persons who are petitioners before the Central Government Industrial Tribunal and whose names are filed before the said Tribunal by the employees of the organization.

Therefore, there shall be interim direction to respondents to consider absorbing the petitioners in terms of applications submitted by them pursuant to notice dt.21.07.2015 along with others without reference to the aforesaid sub-clause in the Circular dt.16.05.2017 within a period of four (04) weeks from the date of receipt of a copy of the order”.

It is unfortunate that instead of implementing the clear orders of the Supreme Court and the High Court at Hyderabad, the LIC chose to deny the benefit of the judgements by incorporating conditions external to the said orders by prolonging the litigation. The Orders of both the High Court and Supreme Court validate the arguments of the AIIEA. The Supreme Court Order dated 11th May 2018 leaves no scope for any ambiguity on this score.

We, therefore, request you to implement the order of the Supreme Court in letter and spirit by considering the applications of all eligible candidates for absorption. We hope that you will take the issue for an amicable closure without resorting to prolonging the legal battle.

Thanking you,

Yours faithfully,

Sd/-

(V.RAMESH)
General Secretary.