



CENTRAL ZONE INSURANCE EMPLOYEES' ASSOCIATION
(Affiliated to All India Insurance Employees Association)



President: N. Chakraborty

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**C/O LIC of India,
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December 10, 2021

The Zonal Manager,
LIC of India,
Central Zonal office,
Bhopal (MP)

Dear Sir,

**Re - Implementation of the order of the Hon'ble High Court in
W.P.No.10090/2011, WP No.11966/2011, WP No.11970/2011, WP
No.12220/2012, WP No.12222/2012 & WP No.8679/2014 and on W.A.1094
of 2021.**

We have already informed you through our letter dt. September 13, that the temporary employees working in different offices of the Life Insurance Corporation situated in the state of Madhya Pradesh had filed writ petitions before the Hon'ble High Court, Jabalpur seeking permanent appointment as per the policy framed by LIC and the judgement delivered by the Hon'ble Supreme Court in the case of LIC Vs. D.V.Anil Kumar.

The writ petitions were finally decided by the Hon'ble High Court, Jabalpur by its order dated 09th August 2021 with following directions: -

14. "The order of the Supreme Court passed in Civil Appeal Nos.953- 968/2005 is binding. The respondents are required to give fair opportunity to all the candidates to show that they fulfill the conditions mentioned in the said order. The petitioners also had a right to participate in the process if they fulfil all those conditions which are mentioned in the order dated 18.01.2011 passed in Civil Appeal Nos.953-968/2005. It is undisputed before this Court when certain deficiencies were found in the application forms of the petitioner vide Annexure R/4 then no opportunity was given to the petitioner to cure those deficiencies. It is really unfortunate that some of these petitioners have been deprived of the

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Opportunity to participate in the process of regularization only because the competent authority had not issued the requisite certificate in respect of completion of five years on the cut-off date though they fulfill the said requisite condition. This Court is of the view that if the petitioners fulfil the conditions which are mentioned in the order of the Hon'ble Supreme Court in Civil Appeal Nos.953-968/2005 and for some reason they could not furnish the requisite certificate as the said certificate was to be obtained from the authorities of the respondent Corporation and they were facing difficulty in this regard then it would be very harsh to deprive them of opportunity to participate in the process of regularization/absorption in terms of the scheme without giving even an opportunity to remove the deficiency in the application and submit the requisite certificate. The factual position relating to their working for five years on the cut-off date of 18.01.2011 could have been verified by the respondents themselves.

15. In these circumstances, I am of the opinion that those who fulfil the requisite condition of working for 5 years on the cut-off date of 18.01.2011 as also fulfil all other conditions of the scheme of regular appointment Annexure R/2 and the conditions mentioned in the order of the Supreme Court, they should be given an opportunity to participate in the process.

16. Hence, the competent authority is directed to give an opportunity to these petitioners to furnish necessary certificate of working for 5 years on the cut of date of 18.01.2011 and also the necessary documents relating to fulfillment of other conditions and the concerned respondent is directed to scrutinize the candidature of each of the petitioner and if no deficiency is found then give them an opportunity to participate in the process of regularization/absorption as per the scheme already framed. Let the fresh process for these candidates be undertaken as per the scheme if required. Let this exercise be completed within a period of three months from the date of receipt of the certified copy of this order.”

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It has been further observed by the Hon'ble High Court that, 'it is settled that one temporary employee cannot be substituted with another, therefore, if these petitioners are continuing then they cannot be substituted with another employees.'

As you know that the Division bench of Hon'ble Jabalpur High Court again reiterated the same on W.A. No. 1094 of 2021 filed by Life Insurance Corporation of India through his judgement dt. 12/11/2021, which says,

" We are of the view that none of the legal rights of the appellants stands infringed by the impugned order passed by the learned Single Judge. Consequently we do not find any ground to interfere with the order passed by the learned Single Judge. The writ appeal is accordingly dismissed."

it further says, " As regards the time granted by the learned Single Judge of three months from the date of receipt of the certified copy of the order, learned council for appellants-respondents submits their are a large number of candidates and hence, the period of three months may not be sufficient. Hence, at his request that period is extended by a period of six months from today. "

It is relevant to mention again that the order of the Division bench of Hon'ble High Court is self explanatory and therefore; the same may kindly be implemented in the interest of these poor employees and similarly placed workmen pertaining to the central zone.

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The copy of judgement delivered by Division bench of Hon'ble High Court of Jabalpur on W. A. 1094 of 2021 is also attached with this letter for your early action.

Yours faithfully,

General Secretary

Encl - 1. Copy of Judgement