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WP No. 16534 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 28.07.2026

Pronounced on : 31.07.2026

CORAM

THE HON'BLE MR.JUSTICE T. VINOD KUMAR

WP No. 16534 of 2013

and

MP Nos.1 & 2 of 2013

Nanda Gopal
S/o.V.P.Subramanian,
1481, Nadar Colony, Trichy Road, Coimbatore 18.

..Petitioner

Vs

1. Life Insurance Corporation of India,
Rep By The Managing Director (Personal),
LIC of India, Central Office, Mumbai 400 021.
2. The Zonal Manager
Life Insurance Corporation of India,
Zonal Office, 152, Anna Salai, Chennai 2.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records of the respondents pertaining to the paper publication in Thina Thanthi LPA No.953-968 of 2005 dated 20.05.2011 and the further proceedings based on it to quash the same.

For Petitioner : Mr. C. Deivasigamani
For Respondents : Mr. D. Muthukumar,
Standing Counsel

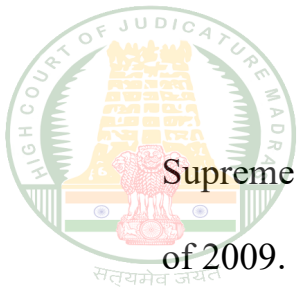
ORDER

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent, and perused the records.



2. The petitioner, by way of the present writ petition, has challenged the action of the respondent in issuing a paper publication in “Dhina Thanthi” dated 20.05.2011, calling for applications from eligible Class IV temporary employees working in the various offices of the respondent Corporation throughout India for appointment to the post of Peon, pursuant to the order of the Hon'ble Supreme Court of India in Civil Appeal Nos.953 to 968 of 2005, and seeks for quashing the same.

3. The case of the petitioner, in brief, is that he had worked as a sub-staff in the respondent Corporation from 24.02.1989 to 27.06.1989 and again from 17.05.1992 to 28.05.1992, aggregating to 250 days of service; that, on the respondent terminating the services of full-time temporary employees, the Association of the Temporary Employees of L.I.C, had approached this Court by filing a writ petition, which was disposed of by this Court, directing the petitioner to approach Central Industrial Tribunal; that the petitioner therein had approached the Industrial Tribunal; that upon approaching the industrial dispute in Industrial Dispute No.27 of 1991, the Central Industrial Tribunal, New Delhi, passed an award in favour of the terminated employees; that the said award of the industrial tribunal, was challenged by the respondent Corporation before the Hon'ble Delhi High Court in W.P.(C) No.4356 of 2001; that on the said writ petition being disposed of by the Delhi High Court, the respondent Corporation preferred a Special Leave Petition (Civil) No. 15269 of 2007 before the Hon'ble



Supreme Court of India, on being granted leave, is renumbered as C.A.No.6950 of 2009.

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4. It is the further case of the petitioner that the respondent Corporation had filed an affidavit dated 18.01.2011 before the Hon'ble Supreme Court of India in Civil Appeal Nos.953 to 968 of 2005, stating that, as a one time measure, the respondent Corporation had formulated a scheme whereunder all the eligible temporary Class IV employees, would be absorbed; and that the aforesaid affidavit filed by the respondent has no bearing to the issue involved in Civil Appeal No.6950 of 2009, which was directed to be de-tagged and to be listed separately for hearing; and thus, the respondent cannot place reliance on the orders passed in Civil Appeal Nos.953 to 968 of 2005 to deny the claim of the petitioner.

5. No counter affidavit has been filed on behalf of the respondent Corporation before this Court.

6. On behalf of the respondent Corporation it is contended that the petitioner did not work for 250 days at all as claimed in the affidavit; that by reckoning the periods during which he was engaged on a temporary basis the total number of days would workout to 134 days only; that the award passed in Industrial Dispute No.27 of 1991 would not be applicable to the case of the



petitioner, as the petitioner had rendered temporary service only in two spells, namely 123 days on one occasion and 11 days on another occasion, and was not engaged continuously for 250 days or being continued for considerable length of time for him to assail the action of the respondent in issuing the notification/paper publication, in compliance with the order of the Hon'ble Apex Court dated 12.01.2011 in Civil Appeal Nos. 953 to 968 of 2005.

7. Contending as above, the respondent Corporation seeks for dismissal of the Writ Petition.

8. I have taken note of the respective contentions as urged.

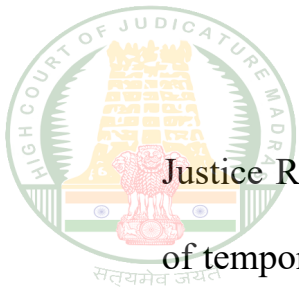
9. Though the petitioner has mentioned the period during which he had worked in the respondent Corporation on temporary basis, by adding up the number of days, would not add upto 250 days to establish the petitioner having worked for the required days for being absorbed. From the particulars furnished, it is evident that the petitioner had worked for four months and three days during the first spell viz., February, 1989 to June 1989 and again after a gap of about three years, for 11 days during the second spell viz., in the month of May, 1992, but not continuously. Further, by adding the number of days when petitioner had worked with respondent Corporation, the said period would total upto 134 days. Thus, the petitioner had rendered temporary service for 134 days



during the period in between February 1989 to June 1989 and May 1992, spread over three years and three months, and therefore, cannot claim of he having worked for 250 days continuously for him to claim his services are to be regularised with the respondent Corporation.

10. Insofar as the reliance placed by the petitioner on the Civil Appeal No. 6950 of 2009 is concerned, it is to be noted that the said Civil Appeal was disposed of by the Hon'ble Supreme Court of India by order dated 18.03.2015, whereby the Hon'ble Apex Court had directed the respondent Corporation to implement the award passed in Industrial Dispute No.27 of 1991. Though the said order of the Hon'ble Apex Court was subsequently modified, pursuant to an application filed by the respondent Corporation with regard to the payment of backwages, the said order, as well as the award passed by the tribunal in the aforesaid I.D, would not be applicable to the case of the petitioner, as the petitioner did not work as a temporary/badli/consolidate pay basis for the minimum prescribed period or completed the requisite number of days during any year from 1989 to 1992, for him to be absorbed in the establishment of the respondent Corporation during the period involved in the said Industrial Dispute.

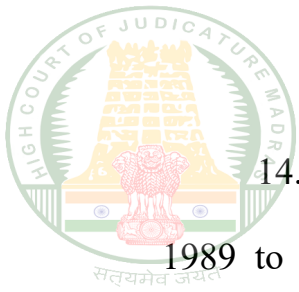
11. Further, the Industrial Tribunal while passing the award in I.D.No.27 of 1991 had placed reliance on the award passed by Hon'ble Mr.



Justice R.D. Tulpule, which laid down the conditions governing the absorption of temporary/badli/part-time workmen of the Corporation, and observed that the said award was neither reversed nor set aside by any of the High Court or by the Hon'ble Supreme Court, and had not otherwise ceased to operate under the provisions of the Industrial Disputes Act, and held it to be applicable to the case.

12. However, the Hon'ble Supreme Court of India, while allowing Civil Appeal No.6950 of 2009 by judgment dated 18.03.2015, concluded that the “Shrivastava Award” was binding and restored the “Shrivastava Award” and, directed the respondent Corporation to implement the directions contained therein.

13. Pursuant to the aforesaid judgment of the Hon'ble Supreme Court, the respondent Corporation had issued an advertisement dated 21.07.2015, calling applications from various categories of workers, who had employed as Badli/Temporary/Part-time workers, in its establishment from 28.05.1985 to 04.03.1991, in terms of the eligibility criteria determined by the award; and that the respondent Corporation found 245 workmen to be eligible and absorbed by them in its Zonal Offices. This Court has had the benefit of gathering the aforesaid factual position from the judgment of the Hon'ble Supreme Court in ***Ranveer Singh vs. S.K. Rai, Chairman of L.I.C., and Another***, reported in ***(2023) 17 SCC 196***.



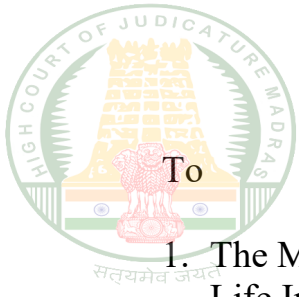
14. Since, the petitioner claims to have worked during the period from 1989 to 1992, if at all was eligible for absorption into the services of the respondent Corporation, he ought to have submitted an application pursuant to the paper publication/advertisement issued by the respondent Corporation on 21.07.2015, following the disposal of Civil Appeal No.6950 of 2009, and cannot and could not have filed the present writ petition challenging the advertisement issued by the respondent Corporation pursuant to the scheme formulated by it and approved by the Hon'ble Supreme Court of India in its final judgment dated 12.01.2011 in Civil Appeal Nos.953 to 968 of 2005.

15. In view of the above, this Court is of the considered view that the challenge made by the petitioner in the present writ petition to the paper publication caused by the respondents in Newspaper on 20.05.2011 is wholly misconceived and devoid of merits.

16. Accordingly, the Writ Petition stands dismissed. Consequently, connected miscellaneous petitions are also closed. There shall be no order as to costs.

31-07-2026

Speaking/Non-speaking order
Neutral Citation: Yes/No
KLT



To

1. The Managing Director (Personal),
Life Insurance Corporation of India,
LIC of India, Central Office, Mumbai 400 021.
2. The Zonal Manager,
Life Insurance Corporation of India,
Zonal Office, 152, Anna Salai, Chennai 2.

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T.VINOD KUMAR, J.

KLT

**Pre-Delivery Order in
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