

The Chairman, Life Insurance ... vs Jagadevi . on 6 March, 2020

Bench: Sanjay Kishan Kaul, K.M. Joseph

1

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.4703-4735/2016

THE CHAIRMAN,
LIFE INSURANCE CORPORATION OF INDIA

& ORS.

Appellant

VERSUS

JAGADEVI & ORS.

Respondent

WITH

MA 520/2020 (III-A)
IN M.A. DIARY NO.40820/2019
IN CIVIL APPEAL NO.7677/2019

O R D E R

Learned senior counsel for the appellant-Corporation submits that he has obtained instructions to an amicable resolution and thus, requests that the course of action followed in Hashmuddin & Ors. v. LIC & Ors.-Civil Appeal No.2268/2011 in terms of order dated 20.10.2016 as confirmed by the order dated 15.01.2020 can be adopted even in the present case. The effect of this would be that a limited departmental examination would be held for the candidates in question as was proposed in our order dated 31.01.2020 in the present matter. Such a departmental examination would not include the candidates from open market and would be applicable only in cases where the person has completed 10 years of continuous service as temporary Class III employees in accordance with instructions. Naturally, this examination would have to be cleared by such temporary Class III employees for seeking regularization. The position which will emerge on their qualifying would be as per par 7 of the order dated 15.01.2020 in Hashmuddin (supra) and for convenience of reference, the same is reproduced as under:

“We are thus of the view that the appellants should be entitled to the counting of their period spent in temporary status post twelve years from their initial date of appointment on the temporary basis towards the fixation of their pay on a permanent basis with all consequential benefits without any backwages (the benefit will accrue

from 31st December, 2016). On aspects of gratuity, contributory pension etc., we are not specifically dealing with as that will depend in turn on the provisions of the Scheme, provisions of the Act and Regulation concerned and that can be worked out on that basis.” The aforesaid process be commenced with the examination to be held within three months and the process be completed within three months thereafter.

The appeals stand disposed of.

At this stage, learned counsel for the appellant-Corporation points out that there are cases pending in different High Courts by parties similarly situated and it would be appropriate to put a quietus to the matter even in those cases.

We feel that appropriate course of action would to file an application for those proceedings based on the order passed today so that those claimants can also get the benefit of our order MISCELLANEOUS APPLICATION NO.520/2020 IN M.A. DIARY NO.40820/2019 Dismissed.

... .. J . [S A N J A Y K I S H A N K A U L]
.....J. [K.M. JOSEPH] NEW DELHI;

MARCH 6, 2020.

ITEM NO.1

COURT NO.11

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 4703-4735/2016 THE CHAIRMAN, LIFE INSURANCE CORPORATION OF INDIA & ORS. Appellant(s) VERSUS JAGADEVI & ORS. Respondent(s) ([FOR DIRECTION] IA No. 11919/2017 - DIRECTION) WITH MA 520/2020 IN M.A. DIARY NO.40820/2019 IN CIVIL APPEAL IA No. 15648/2020 - APPEAL UNDER ORDER V RULE 3 OF SCR 2013) Date : 06-03-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL HON'BLE MR. JUSTICE K.M. JOSEPH For Appellant(s) Mr. Kailash Vasdev, Sr. Adv.

Mr. Puneet Taneja, AOR Ms. Laxmi Kumari, Adv.

M.A. NO.520/2020 Mr. Saurav Kirpal, Adv.

Ms. Anjani Aiyagari, Adv. Mr. Ram Lal Roy, AOR For Respondent(s) Mr. Anurag Dubey, Adv.

Mr. Anu Sawhney, Adv.

Mr. Pramod Kumar, Adv.

Mr. Satpal Wadhwa, Adv.

Mr. Bhupendra Kr. Bhardwaj, Adv. Mr. S. R. Setia, AOR FOR LIC IN Mr. Ashok Panigrahi, Adv.

MA 520/2020 Mr. Anmol Tayal, Adv.

Mr. S. Vinay Ratnakar, Adv. Mr. Nabab Singh, Adv.

Mrs. Anjani Aiyagari, AOR UPON hearing the counsel the Court made the following
O R D E R The appeals stand disposed of in terms of the signed order.

Pending application(s) stand(s) disposed of.

MISCELLANEOUS APPLICATION NO.520/2020 IN M.A. DIARY NO.40820/2019
Dismissed.

Pending application(s) stand(s) disposed of.

(ANITA RANI AHUJA)
COURT MASTER

(ASHA SUNDRIYAL)
AR CUM PS

[Signed order is placed on the file]