

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

W.P.NO.7268 OF 1996

ORDER

Heard both the counsel.

2. The case of the petitioners as stated in the affidavit filed in support of the writ petition is that they were engaged during the years 1980 and 1981 in the respondent – Life Insurance Corporation as water boys and that they worked up to the year 1983. A case was registered against them in C.C.No.442/1989 on the ground of cheating and therefore, the Corporation suspended them on 20.4.1983. Their further case is that the said criminal case ended in acquittal by judgment dated 7.9.1992 passed by the V Metropolitan Magistrate at Visakhapatnam. As their juniors were regularized and the criminal case against them ended in acquittal, they made representations dated 20.10.1992 and 19.1.1993 seeking the respondents to reinstate them into service. As their representations were not considered, they filed writ petition before this court in W.P.No.3962 of 1993 and this court by order dated 16.11.1995 directed the respondents to consider their representations in accordance with law and pass appropriate orders. By impugned letter dated 25.1.1996, the respondents rejected the claim of the petitioners on the ground that they have not submitted the applications for absorption within time. Hence, the present writ petition.

3. The case of the petitioners is that as they were acquitted in criminal case, and as no enquiry was conducted before terminating their services and further as the juniors to them were absorbed into permanent vacancies by the Corporation, they shall also be considered for absorption into permanent vacancies.

4. The respondent – Corporation filed counter affidavit and stated inter alia that the petitioners were engaged as water boys on casual basis for supply of water and to water window mats during the months of April and May of summer season in 1980-81 and once the season was over, they were disengaged. It is categorically denied that they worked continuously up to 20.4.1983. As the petitioners were engaged on casual basis, they are not governed by LIC of India (Staff) Regulations. The petitioners were prosecuted for the offences punishable under Sections 468, 471 and 474 of I.P.C and later they were acquitted. It is stated that the petitioners

were engaged on casual basis during summer seasons, the question of their suspension does not arise and it is also denied that the juniors to the petitioners were absorbed by the Corporation and that their cases were denied on the ground that the criminal case was pending against them. An Industrial Dispute was raised before the National Industrial Tribunal by the unions relating to the conditions of regular employment of the badli, temporary and part-time workmen and an award was passed on 17.4.1986 and aggrieved by the same, the Corporation carried the matter to the Apex Court and during the pendency of the award, a compromise was entered into and for implementing the compromise, as directed by the Apex Court by its dated 1.3.189, instructions were issued in Cir.No.ZD/682/ASP/89 dated 14.3.89 and it was made clear that the applications shall be submitted on or before 6.3.1987 and accordingly, the applications were submitted and later the Corporation conducted written test and interview and appointed them. A time schedule for this purpose was prescribed by a letter in Cir.No.ZD/683/ASP/89 dated 16.3.89 and the entire process was completed by 15.6.1989, as fixed by the circular. After the completion of the entire procedure, the petitioners filed application on 22.10.1992. As there was no permanent posts of water boys and as they worked only during summer seasons and as they are not covered by the terms of compromise, as per the directions of this court dated 16.11.1995 in W.P.No.3962/1993, their cases were rejected. With these averments, the writ petition was sought to be dismissed.

5. From the above material on record, it could be seen that the case of the petitioners is that they were appointed as casual sub-staff water boys during the years 1980 and 1981 and that they worked up to 20.4.1983. As per the averments made in the counter affidavit, the corporation has categorically denied that they worked up to 20.4.1983 and that they were engaged only during summer seasons of April and May of 1980-81. Whether they worked continuously up to 20.4.1983 is a disputed question of fact, which this court cannot delve into.

6. Further, as per the averments made in the counter affidavit, which are not denied by the petitioners by filing any reply affidavit, it could be seen that there are no permanent posts of water boys in LIC and that they cannot claim the benefit in terms of compromise entered into in an Industrial Dispute raised by the Unions and furthermore, the petitioners made application on 22.10.1992, after the entire procedure contemplated in terms of the Cir.No.ZD/683/ASP/89 dated 16.3.1989 was completed by 15.6.1989. Therefore, there are laches on the part of the petitioners.

7. For the foregoing reasons, I do not find any merit in the writ petition and the same is dismissed. No costs.

AVS

17—10—2011