

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

THE HONOURABLE SRI JUSTICE G.NARENDAR

THE HONOURABLE SMT. JUSTICE KIRANMAYEE MANDAVA

WRIT APPEAL NO:319 of 2023

JUDGMENT: (*per Hon'ble Smt. Justice Kiranmayee Mandava*)

1. Heard learned counsel for the appellants and learned counsel for the respondent.
2. Parties herein are referred to as arrayed in the Writ Petition.
3. The Writ Appeal is directed against the order of the learned Single Judge, in W.P.No.22733 of 2016, dated 06.12.2022.
4. The writ petitioner has approached this Court seeking regularization of their services. It is contended by the writ petitioner that pursuant to the notification issued by the respondents to the posts of 'Assistants, Typists and Stenographers', the petitioner has applied for the post of Typist and selected in the order of merit for the said post. A panel of candidates selected was prepared in the order of merit *vide* proceedings of the respondent Corporation dated 11.03.1997. The petitioner was given an appointment as a Typist *vide* letter dated 17.11.2007. Since there was a delay of ten years in appointing the petitioner after empanelment, the petitioner sought payment of all notional benefits with effect from the date of empanelment *i.e.*, 11.03.1997.

5. The contention of the respondents was that mere empanelment of the candidate would not grant any right to the empanelled candidate to be absorbed in the post. The candidate would be taken into service only upon any vacancy. Though the petitioner was empanelled in 1997, since there was no vacancy at the relevant point in time, the petitioner was taken into service in the year 2007, on the rising of a vacancy.

6. The learned Single Judge, placing reliance on the decision of this Court in W.P. No.12365 of 2009, has directed the respondent-Corporation to regularize the services of the petitioner from the date of empanelment, *i.e.*, from 11.03.1997, without any monetary benefits.

7. The learned counsel for the appellants contends that the order of the learned Single Judge to grant notional benefits with effect from 11.03.1997, based on the decision of this Court in W.P. No.12365 of 2009, is incorrect. In as much as in the said case, the petitioner was taken into service as a temporary employee till a regular vacancy arose. The learned counsel for the appellants further contends that the regular vacancies for the posts of Typists at Rajahmundry were six, taking into consideration the future vacancies for six posts and one additional vacancy of backlog, the empanelment was made in 1997, as per the recruitment instructions *viz.*, LIC of India Recruitment (of Class III & IV Staff) instructions, 1993, which came to be issued under the provisions of Regulation 4 of the LIC of India (Staff) Rules 1960. In the said empanelment, it is stated that the writ petitioner was placed at Sl. No.12, as

and when a regular vacancy arises, in the order of merit, the empanelled candidates would be posted in the existing vacancy. It is stated that the petitioner was given an order of appointment in 2007. It is contended that mere empanelment will not confer any right to the candidate to seek for appointment. He thus contends that the relief sought by the petitioner is contrary to the employment notification dated 11-07-1995 issued for empanelment. He argued that the writ petitioner, though empanelled in 1997, did not work as a temporary employee from the date of empanelment, was taken into service only in 2007. He thus distinguishes the decision of this Court in W.P. No.12365 of 2009, relied upon by the learned Single Judge.

8. Considered the rival submissions.

9. The direction of the learned Single Judge to consider the case of the writ petitioner in terms of the directions of this Court is not sustainable for the reason that in W.P. No.12365 of 2009, the writ petitioner therein was appointed on a temporary basis, soon after the empanelment. In the present case, the petitioner was employed in 1997 and did not render any service to the Corporation as a temporary employee. As noted from the service regulations, viz., Life Insurance Corporation of India, (Employment of Temporary Staff Instructions), 1993, temporary employment in the posts of Class III, would be made under Clause IV, of the instructions, the same reads as under:

"IV. Scope of employment:

Employment of temporary staff in Class III and Class IV posts may be made under the circumstances and against the posts mentioned below:-

1. Temporary appointments to Class III posts:

a. Employment of temporary staff in Class III may be made only to the posts of Assistants and Typists and none else.

b. The circumstances under which employment of temporary staff in Class III posts may be made are:-

i) pendency of the recruitment of staff on a regular basis, in accordance with the provisions of the Recruitment Instructions:

ii) against vacancies arising out of the absence on maternity leave of a regular female employee or of a regular employee on grounds of sickness for a period exceeding one month; and

iii) against adhoc vacancies sanctioned by the Zonal Manager to cope up with work of a seasonal nature such as to handle new business or for closing of accounts or the like.”

10. In the facts of the present case, since none of the above situations are stated to have been invoked by the Corporation, while empanelling the petitioner and others, the question of regularizing their services with effect from the date of empanelment to the date of recruitment, without monetary benefits, would not arise. Any such regularization will have an impact on the seniority of the candidates, which has already been crystallized. Accordingly, the order of the learned single Judge is set aside. However, we direct the respondents to consider the period from the date of empanelment to the date of appointment for the grant of pensionary benefits, if eligible.

11. The Writ Appeal is allowed in part. There shall be no order as to costs.

As a sequel, interlocutory applications pending, if any, shall stand closed.

JUSTICE G.NARENDAR

JUSTICE KIRANMAYEE MANDAVA

Date:13.08.2024

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THE HON'BLE SRI JUSTICE G.NARENDAR
AND
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