

THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.22733 of 2016

ORDER:

The present Writ Petition is filed under Article 226 of Constitution of India for the following relief/s:

".....to issue Order or Orders, Direction or Directions, Writ or Writs particularly one in the Writ of Mandamus or any appropriate writ declaring the action of the respondent in passing orders vide Ref: P&IR/KVD/2015-2016, dated 07.05.2015 and rejecting the petitioners representation for notional service by regularizing the services of petitioner notionally from 01.10.1997 by extending the benefits which were given to the petitioner in W.P.No.12365/ 2009 and Writ Appeal No.575/2014 dated 13.06.2014 and denying the same to the petitioner is illegal, arbitrary, violation of Art. 14 and 110 of Constitution of India and Recruitment Rules issued by LIC of India consequently direct the respondents to regularize the services of the petitioner notionally with effect from 01.10.1997 by taking the service into consideration for seniority, grant of increments and grant of retirement benefits with effect from 01.09.1997 and to pass such other order or orders.....

2. Heard Sri K L N Swamy, learned counsel for the petitioner and Sri Bathula Raj Kiran, learned standing counsel for Life Insurance Corporation of India.

3. The respondents have issued notification inviting applications for the post of Assistants, Typists and Stenographers. In pursuance of the notification, the petitioner applied for the post of typist and he was selected for the post of typist and list of panel of candidates selected in the order of

merit for the post of typist is issued by the LIC of India, Divisional Office, Rajahmundry, dated 11.03.1997 and the petitioner was stood in the merit list and he was given appointment as typist on 03.12.2007 on the `direction of the Central Office vide letter dated 17.11.2007 to appoint all the empanelled employees on permanent basis. There is a delay of 10 years in appointing the petitioner in permanent post from the date of empanelment. Therefore, the petitioner prayed to direct the respondents herein to pay all notional benefits to the petitioner as there is delay in giving the appointment by the respondents.

4. Learned counsel for the respondent Sri Bathula Raj Kiran would submit that the candidates will be offered appointment against the immediately available permanent vacancies and the remaining persons will be absorbed in the regular practice as and when the vacancies arises. The petitioner was appointed in the year 2007 and the vacancy was arose for the post of typist and there is no delay in appointing the petitioner in the post of typist and the post was come into existence in the year 2007. Therefore, the respondent herein prayed to dismiss the writ petition.

5. Learned counsel for the petitioner rely on the order passed in W.P. No.12365 of 2009, wherein this Court has directed the respondents herein to regularize services of the petitioner with effect from the date of empanelment. Aggrieved by the said order, the respondent therein have preferred an appeal before the Division Bench and the Division Bench has confirmed the order passed by the Single Judge except to that extent and held that the petitioner shall not entitled to any monitory benefits.

6. It is settled law that when recruitment has taken place, selection has been finalized and there is a delay in issuance of appointment orders due to administrative reasons or pendency of court cases or for any other reasons, such delay cannot be attributable to the candidates, such type of candidates who are appointed at later point of time are entitled to the benefits of seniority and the service on par with their batch employees. For no fault of the petitioners they should not put injustice sufferance, merely because no immediate permanent vacancies are available. The petitioner cannot deprive of their benefits due to the fault of the respondents herein.

7. In view of the orders of this Court in W.P. No.12365 of 2009, and for the afore said reasons the present Writ Petition is disposed of directing the respondents herein to regularize the services of the petitioner from the date of empanelment i.e. from 11.03.1997 without any monetary benefits.

8. With the above direction, the Writ petition is disposed of. However, no costs.

Miscellaneous Petitions pending, if any, shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 06-12-2022
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THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

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