

ITEM NO.13 & 14

COURT NO.8

SECTION XV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 24108/2012

(Arising out of impugned final judgment and order dated 16/08/2011 in DBCSA No. 172/2008 in SBCWP No. 6026/1997 passed by the High Court Of Rajasthan At Jaipur)

SR.DIVNL.MANAGER L.I.C & ORS.

Petitioner(s)

VERSUS

SHREE LAL MEENA

Respondent(s)

(With prayer for interim relief and office report)
(For final disposal)

WITH SLP(C)No.19596/2013
(For final disposal)

Date : 17/07/2014 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE V. GOPALA GOWDA

For Petitioner(s)

Mr. D. N. Goburdhan ,Adv.
Mr. Prabal Baghchi, Adv.

Mr. Nikhil Goel, Adv.
Mr. Naveen Goel, Adv.
Mr. Msrsook Bafaki, Adv.

For Respondent(s)

Mr. Manish Kumar, Adv.
Mr. Ansar Ahmad Chaudhary ,Adv.

Mr. Kailash Vasdev, Sr.Adv.
Mr. R. Chandrachud, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Signature Not Verified

Mr. Kailash Vasdev, learned senior counsel and Mr

Digitally signed by

Usha Rani Bhardwaj

Date: 2014.07.23

12:44:05 IST

Goburdhan,

Reason: learned counsel appearing for the Life Insurance Corporation (for short the "Corporation") have submitted that the

employees who are before this Court are not entitled to get the

pensionary benefits under the Life Insurance Corporation of India

(Emoloyees) Pension Rules, 1995, as they have resigned from

service. For the aforesaid purpose they have commended us to the

decision of this Court in
Ors. [2012 (9) SCC 671].

M.R. Prabhakar & Ors. vs. Canara Bank &

The learned counsel for the employees, per contra, would contend as they have left the service of the Corporation by serving a notice making a prayer for waiver of the period it would be treated as voluntary retirement and, therefore, they would be covered under the pension scheme. For the aforesaid purpose reliance has been placed on the decision in Sheel Kumar Jain vs. New India Assurance Co. Ltd. & Ors. [2011 (12) SCC 197].

At this juncture, learned counsel appearing for the Corporation has drawn our attention to paragraphs 18, 19, 20, 22, 24, 25, 30 and 31 of the authority in Sheel Kumar Jain (supra). On a perusal of the pronouncement in Sheel Kumar Jain (supra) we find that the New India Assurance Corporation Co. Ltd. had a scheme in 1976 which provided for determination of service and on that basis taking into consideration the qualifying period of service pension was allowed. The learned counsel appearing for the Corporation has emphatically put forth before us that at that time there was no scheme and hence, the employees herein have to be treated to have resigned from the service. Learned counsel for the parties prayed

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for a week's time to take instructions as regards the scheme that enabled the employees to voluntary retire or for the purpose of determination of service prior to their submission of letters pertaining to resignation.

Let the matters be listed for further hearing on 4th August, 2014.

(USHA BHARDWAJ)
AR-CUM-PS

(RENUKA SADANA)
(COURT MASTER)