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C.A.No. 2427 OF 1999
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ITEM NO.116 COURT NO. 3 SECTION XIV

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. 2427/1999

Bipul Bharali .. Appellant (s)

Vs.

L.I.C. of India, Guwahati & Ors. .. Respondent(s)

DATE : 20.3.2002 : This/These matter (s) was/were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE P.VENKATARAMA REDDI

For Appellant (s) : Ms. S Hazarika, Adv. for
Mr. Sanjay R Hegde, Adv.

For Respondent (s) : Mr. G.L. Sanghi, Sr. Adv.
0 0 0 Mr. A.V. Rangam, Adv. 0
Mr. A Ranganadhan, Adv.
Mr. Buddy Ranganadhan, Adv.

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

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Mr. G.L. Sanghi, learned Senior Adovocate argued from 3.40 p.m. to 3.45 p.m.

The appeal shall stand disposed of, noting the aforesaid undertaking made by the learned senior Advocate in modification of the order of the High Court.

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Charanjit [Om Prakash]
Court Master

[Signed order is placed on the file]

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2427/1999@@
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Bipul Bharali .. Appellant

Vs.

L.I.C. of India, Guwahati & Ors. .. Respondents

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The appellant before us was appointed as a Probationary Development Officer w.e.f. 2.11.1988 and later on he was confirmed as Development Officer on 30.11.1990. His services were terminated on 17.2.1994 under the provisions of Schedule III to the Life Insurance Corporation of India (Staff) Regulations, 1960. He challenged the order of termination in a Writ Petition being Civil Rule No. 1829 of 1994 in the High Court.

The matter was disposed of by a consent order by the learned Single Judge. However, a Writ Appeal was filed against the said order and the Division Bench of the High Court noted that correct position in law was not brought to the notice of the learned Single Judge and the relevant rules had been amended in regard to the appointment of a terminated Development Officer and he had to fulfil certain conditions, namely, that he should have completed not less than 10 years and he should be below 55 years of age and thereby it allowed the Writ

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Appeal setting aside the order made by the learned Single Judge. It is against that order this appeal has been preferred.

It is contended that the appellant has completed 40 years of age and worked for at least 10 years with the respondent-Corporation and at this advanced age he will not be eligible to be appointed in any other organisation. Considering the fact that appellant had worked with the organisation of the respondent for quite a long period we suggested to the learned counsel for the respondents to find some method to employ the appellant.

Shri G.L. Sanghi, learned senior Advocate appearing for the respondents submits that the appellant will be given fresh appointment as Apprentice Development Officer w.e.f. 1.4.2002 and retiral benefits will be given to him as on the date of the termination. The interregnum period for which he has worked in the organisation pursuant to the interim order made by this Court, whatever payment has been made to him shall not be recovered from him. The learned counsel for the appellant accepts the suggestions made on behalf of the respondents. In view of this statement made by the

learned senior counsel for the respondents, it is unnecessary to examine other questions raised in this appeal.

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The appeal shall stand disposed of, noting the aforesaid undertaking made by the learned senior Advocate in modification of the order of the High Court.

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[S. RAJENDRA BABU]@@
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[P VENKATARAMA REDDI]@@
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New Delhi,@@
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March 20, 2002 @@
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