

ALL INDIA INSURANCE EMPLOYEES' ASSOCIATION
LIC BUILDING SECRETARIAT ROAD HYDERABAD 500 063
(E-mail: aiieahyd@gmail.com)

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To
All the Zonal / Divisional/ Regional/ State Units,

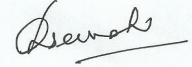
Dear Comrades,

IMPROPER IMPLEMENTATION OF CGIT AWARD BY LIC

We reproduce our letter dated 3.6.17 addressed to the Chairman, LIC on improper implementation of CGIT Award by LIC management and requesting him to intervene and issue proper instructions for the implementation of CGIT Award as per the direction of Supreme Court Order.

With greetings,

Comradely yours,



General Secretary.

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June 3, 2017.

The Chairman,
LIC of India,
Central Office,
Mumbai.

Dear Sir,

Improper implementation of the CGIT Award

We had sent you a letter dated 23/5/2017 raising serious concerns over the improper implementation of the Supreme Court Judgement relating to the CGIT Award dated 18/6/2001 in the I.D.No.27 of 1991 passed by the Learned Presiding Officer Sri K.S.Srivastava. We regret that leave alone a response from you, this letter on a very important subject is not even acknowledged.

We would once again reiterate that the instructions issued by Central Office to implement the Supreme Court Orders are arbitrary and are clearly aimed at disqualifying majority of the eligible candidates of their right of absorption and other benefits under the provisions of the CGIT Award.

One of the conditions stipulated by LIC asking the concerned workmen to submit a copy of the statement submitted by the Association/Union having their names as applicant to the CGIT is totally unwarranted. It is neither supported by the 'terms of reference' nor by the provisions of the Award. This condition also violates the

Supreme Court Judgements of 18/3/2015 and thereafter on the Review Petition dated 29/4/2015 moved on behalf of LIC.

While totally disagreeing with the stand of LIC, We would like to bring to your notice the following important facts:

01. The terms of reference of any dispute in any particular case determine the amplitude of the jurisdiction as well as the scope of powers exercisable in such a case. In this case dispute as referred to by the Government for adjudication relates to a large number of workmen. **It is a dispute not in persona but a dispute in rem.** Let us look at the terms of the dispute referred for adjudication:

“Whether the action of the management of Life Insurance Corporation of India in not absorbing Badli/temporary and part-time workmen employed in the establishment of LIC after 20/05/1985 is justified, if not, to what relief are the workmen entitled ?”

02. In the Reference order dated 04/03/1991, All India Insurance Employees' Association along with nine other unions were made party to the dispute as they have been espousing the cause of the workmen involved. Besides this, 34 individual workmen were also made the party.

03. On the face of this unambiguous **reference**, it is clear that Associations/Unions were competent to espouse the cause of workmen and there was no statutory requirement for impleading the names of each and every individual workman covered by the reference.

04. The CGIT Award, held legal and valid, is undeniably applicable to all the workmen. Section 18(3) (d) of the ID Act makes it quite clear that where the party to the dispute is composed of workmen; all persons who were employed in the establishment or part of the establishment, as the case may be, to which the dispute relates on the date of the dispute are covered.

05. The CGIT Award dated 18.6.2001 is unambiguous as to the applicability of the Award. Para 94 of the Award states that **“ the Corporation shall publish a notice in the daily newspaper having wide circulation throughout India and in compliance of the notice the workmen concerned consents in writing within stipulated period which could be given in the said notice, the case of such workmen should also be considered for their absorption”.**

06. In view of the specific provision of law, all the concerned workmen are otherwise also automatically entitled to be absorbed. Their (workmen) further segregation on the basis of inclusion of their name by any union before the proceedings of the Tribunal as a pre-condition is neither permissible nor sustainable in the eye of law.

07. The Corporation has never been in any doubt about the entitlement of the whole mass of the concerned workmen to be absorbed which is evident from the reading of the following from the Review Petition dated 29/4/2015 filed in the Supreme Court on its behalf.

“Because the Award by itself does not specify or give particulars of alleged workmen who should have been absorbed in the services of the querist, it will be difficult to implement the award because there are no particulars or information of the workmen to be absorbed. This makes the award difficult to perform.”

08. The submissions so made on behalf of the Corporation are factually incorrect as LIC has every piece of information concerning these workmen with it. Attention in this respect is invited to CO circular ZD/609/ASP/86 dated 12/3/1986 on this issue.

09. Earlier also there was no such stipulation at the time when LIC issued guidelines to give effect to the NIT Award 1986 and this is quite evident from the following:

“Those who worked only during the period from 01/01/1982 to 20/05/1985 in any capacity such as temporary including badli and in regular cadres such as Peon, Watchman, Liftman, Sweeper, Hamal, Typist, Steno & Assistant etc., having regular scales of pay should be considered.”

In the light of these facts, LIC is not entitled to insist on the requirement of submitting the copy of the **statement of claim submitted by the Association having the name of the applicant to the CGIT. The LIC cannot restrict the implementation of the CGIT Award only to the petitioners. The Award is applicable to all eligible candidates who qualify having worked during the stipulated period. The CGIT Award and the Supreme Court Judgement is not in persona but they are in rem.**

We, therefore, urge upon you to issue revised instructions for the implementation of the CGIT Award in the true spirit of the Supreme Court Judgement. Failure to do so will only result in further litigation which surely is not in the interests of the Corporation as neither the CGIT Award nor the Supreme Court Judgement support the stand of LIC. These unnecessary litigations will not only be costly for the Corporation but would also push back the necessity of immediate recruitment. We may caution that in the absence of immediate recruitment, our great institution will suffer irreparable damage.

Thanking you,

Yours faithfully,
Sd/-

V. Ramesh
General Secretary.