

ALL INDIA INSURANCE EMPLOYEES' ASSOCIATION
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Cir.No. 14 / 2019

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To
All Zonal / Divisional / State / Regional Units,

Dear Comrades,

Proceedings before CGIT on 22nd March, 2019
AIEA places its arguments effectively

The ID No.27/1991 was listed for arguments today in the Court of CGIT. On behalf of AIEA our advocate Dr. P. Ravi Shankar and Com. Anil Kumar Bhatnagar, Vice-President, AIEA were present to place our case.

The proceedings began with the LIC senior advocate presenting his submissions and reading the objections as filed by them and addressed in respect of Petitioner No. 2 & 6. After counter submission by their advocate it was our turn. In our case management reiterated that out of the total 3337 claims filed by us, five applicants have worked after 4.3.1991 and the rest 3332 cases their names are not in the list as obtained from CGIT and hence they are not eligible. The LIC tried to justify its stand saying that the Supreme Court in its order dated 10.9.2018 had mentioned that 'CGIT will look into list available'.

Shri Ravi Shankar, our Advocate countered these arguments effectively. He said LIC is needlessly prolonging the litigation and this tantamount to denying access to justice and delay in justice delivery. The Learned Advocate quoted several decisions of the Supreme Court on this issue. The second submission was to whom the awards binds and he quoted the provisions of Industrial Dispute Act and the relevant citations of the Hon'ble Supreme Court. Our Advocate forcefully argued that the CGIT Award is a judgement in rem and not in persona. Quoting the relevant rule of the Industrial Dispute Act, he pointed out that the Rules clearly specify that an Award is applicable to all similarly placed workmen and not just the workmen who raised the dispute. This position has been held in a number of rulings given by Supreme Court. Our Advocate pointed out that LIC is well aware that the benefit of the Award should flow to all similarly placed workmen and that is the reason why while arguing in the Review Petition, the Attorney General appearing on behalf of LIC had said that absorption of the workmen would cost the LIC Rs.7086 crore and he had specifically stated the percentage of increase in Staff strength in respect of Class III & IV if the Award was implemented. It was only on the basis of this submission by Attorney General that the Court reduced the benefit of back wages to 50 percent.

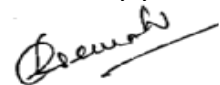
The fourth submission was about the circular dated 16.5.2017 and specific clauses which had strong effect on the large number of claimants. Following the said circular, they have absorbed 257 workers and subsequently another 70 and odd workmen. Our Advocate argued that if this was the understanding of LIC, the Attorney General would have never mentioned about the cost while arguing the review petition. It was further submitted that LIC has made false and incorrect statements before the court.

The fifth submission as about quoting the apex Court order dated 10.9.2018 and denying the benefit to all the 3332 workmen whom we had represented. The Advocate argued that no instruction can be issued against the statutory provisions or the law and the Supreme Court has never intended to mean its wordings as interpreted by LIC. Case laws on the question of instructions against the statutory provisions held to be invalid were placed before the court.

The AIIEA has forcefully placed its arguments and has also made written submission. Several Judgements of the Supreme Court justifying our position were also placed before the Court both orally and written. The arguments in respect of Petitioners 2 to 6 are complete and the rest of the petitioners will be heard from 27th March onwards. The AIIEA will be also making our final submissions on the concluding day and will also file our written arguments. Needless to say, AIIEA will make all efforts to secure justice.

With greetings,

Comradely yours,



General Secretary