

IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Civil Writ Jurisdiction)
W.P. (L) No. 7059 of 2012

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Employer in relation to the Management of Life Insurance Corporation of India	Petitioner
Versus			
Union of India & Others	Respondents

CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO
(Through : Video Conferencing)

For the Petitioner	: Mr. Sachin Kumar, Advocate.
For the Respondent No. 2	: Mr. Manish Kumar, A.C. to Mr. Anoop Kr. Mehta, Advocate.

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06/09.09.2021.

Heard, learned counsel for the petitioner, Mr. Sachin Kumar, appearing on behalf of Employer in relation to the Management of Life Insurance Company through its Manager (Legal & Housing Property Department) namely, Sri Naveen Kumar Jaiswal and learned counsel, Mr. Manish Kumar, A.C. to learned counsel for the respondent no. 2, Mr. Anoop Kumar Mehta.

Learned counsel for the petitioner has submitted that the respondent no. 2 – Sri Umesh Prasad Choudhary is not a workman as defined under Section 2 (s) of the Industrial Disputes Act, 1947.

Learned counsel for the petitioner has further submitted that from perusal of Letter dated 02.06.1992, which has been brought on record vide Annexure-4, it appears that the respondent no. 2 was discharged from the services of the Corporation w.e.f. 01.04.192 and the said order was not a stigmatic order, rather the respondent no. 2, who was appointed initially as Apprentice Development Officer on 15.04.1989 and on completion of training, respondent no. 2 was appointed as Probationary Development Officer, but his service has never been confirmed in view of Clause-11 of Letter of Appointment issued to the respondent no. 2, Sri Umesh Prasad Choudhary brought on record as Annexure-2 at page-23 of the writ petition.

Learned counsel for the petitioner has further submitted that no notice is required to discharge such persons, who are not permanent employee and they are on probationary period.

Learned counsel for the petitioner has placed reliance to the judgment passed by the Apex Court in the case of *Chauharya*

Tripathi Vs. Life Corporation of India & Others reported in (2015) 7 SCC 263, *M. Venugopal Vs. Divisional Manager, Life Corporation of India* reported in (1994) 2 SCC 323 and also in the case of *Life Insurance Corporation of India through the Divisional Manager & Others Vs. Haripad Rahidas* reported in (2005) 4 JCR 356 (Jhr.).

Learned counsel for the petitioner has further submitted that in view of Section 2 (oo) & 2(bb) of Industrial Disputes Act such relieve of the workman from service on not confirmed, as a result of non-renewal of the contract of employment between the employer and workman concerned on its expiry or of such contract being terminated under stipulation in that behalf contained therein is permissible under the law, as such, no illegality has been committed, as such, the impugned order passed by the learned Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad under Reference No. 95/96 vide award dated 14.05.2012 is itself bad in law and contrary to the judgments passed by the Apex Court.

Learned counsel, Mr. Manish Kumar, A.C. to learned counsel for the respondent no. 2, Mr. Anoop Kumar Mehta, has submitted that the matter may be listed on 16.09.2021, so as to address this Court and also to reply the submissions made by learned counsel for the petitioner.

Considering the same, put up this case on 16.09.2021.

(Kailash Prasad Deo, J.)

Sunil/-