

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4572 of 2010

=====

Shivendra Prasad Singh, son of late Rameshwar Prasad Singh, resident of
village Shekhopur, P.S. Warisnagar, District Samastipur

.... Petitioner

Versus

1. The Life Insurance Corporation of India through its Chairman, Central Office, Yogakchama Building, Jiwan Bima Marg, Mumbai
2. Executive Director (P), LIC of India, Central Office, Mumbai
3. Zonal Manager, LIC of India, Zonal Office, Patna
4. Senior Divisional Manager, LIC of India, Divisional Office, Muzaffarpur
5. Manager, P & LR, LIC of India, Divisional Office, Muzaffarpur
6. Senior Branch Manager, LIC of India, Samastipur Branch Office, Tajpur Road, Samastipur
7. Branch Manager, LIC of India, Dalsingsarai, Samastipur

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh
Mr. Amitabh Bhardwaj

For the Respondent/s : Mr. Rajeev Ranjan Prasad

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 11-05-2015 Heard learned counsel for the parties.

Having regard to the aspect that the petitioner has a grievance with regard to his graduation increment being given with retrospective effect when he had allegedly passed AMIE examination in the year 1988 though he had entered in service of the Life Insurance Corporation of India in the year, 1996, this Court having taken into account that not only such claim of the petitioner was rejected by a reasoned order passed by the authority in the year 1998 which remained unchallenged but that the petitioner subsequently was also given such increment with effect



from 2006 when he had passed his fresh graduation examination of three years after obtaining due permission from the authorities of the Life Insurance Corporation of India, is not inclined to now allow the petitioner to raise a stale matter primarily on account of two reasons:

(a) The order passed against the petitioner in the year 1998 by the Life Insurance Corporation of India denying such graduation increment with the institution from which the petitioner had passed AMIE examination being not a statutory and recognized institution will not entitle him for grant of graduation increment had remained unchallenged even till today though the writ petition was filed for such relief without assailing the order of 1998 on 15.3.2010.

(b) The petitioner will be also bound by the doctrine of estoppel because he has himself not only represented for being allowed to join a new course of graduation in a recognized University having its approval under the statute but having passed such examination came out to claim such graduation increment and that was allowed in the year 2006 which was also accepted by the petitioner without any demur or protest.

Thus, this writ application filed in the year 2010 for now giving the graduation increment from 1996 itself when the

petitioner was appointed because he was having the degree of AMIEE is not only a stale matter but even otherwise not permissible in law because the petitioner with his wide open eyes had accepted his appointment on a prescribed pay scale as mentioned in the appointment letter and thereafter could not have become ambitious for grant of such graduation increment, especially when such claim was already rejected in the year 1998.

Thus, for the reasons indicated above this writ application must fail and is, hereby, dismissed.

(Mihir Kumar Jha, J)

surendra/-

U			
---	--	--	--