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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 9517/2016**

JODHA SINGH RAWAT

..... Petitioner

Through: **Mr. Shakti Chand Sharma, Advocate.**

versus

LIFE INSURANCE CORPORATION OF INDIA & ANR Respondents

Through: **Mr. S. Rajappa, Advocate.**

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **07.12.2016**

1. Two reliefs are claimed in this writ petition. One is for fixation of a particular scale of pay. Second is for grant of promotion to the post of Assistant Administrative Officer (AAO).

2. So far as the relief of grant of fixation of pay at a particular pay scale is concerned, counsel appearing for the respondents has brought the attention of this Court to a communication dated 16.9.2014 addressed by the respondents to the petitioner giving reasons as to why the petitioner cannot be granted the fixation of pay at a particular pay scale as stated in this letter. Petitioner is present in person and states that he has received this letter.

3. This writ petition therefore without challenging the order/letter

dated 16.9.2014 would not be maintainable because otherwise and taking the order/letter dated 16.9.2014 as correct, then, the petitioner will not be entitled to fixation of pay. So far as this relief is concerned, accordingly, counsel for the petitioner prays for and is granted liberty to file a fresh writ petition stating a detailed cause of action as to why petitioner is entitled to fixation of pay at a particular pay scale especially by challenging the order/letter dated 16.9.2014.

4. The second relief claimed by the petitioner is for promotion to the post of AAO. In this regard, counsel for the respondents states that petitioner has already made a representation for seeking promotion to the post of AAO for the year 2015-16, and counsel for the respondents states that this representation of the petitioner for grant of promotion to the post of AAO for the year 2015-16 will be considered by the respondents in accordance with the rules and a speaking order will be passed which will be communicated to the petitioner. If petitioner is still aggrieved, then, at that stage, petitioner can always file appropriate independent proceedings.

5. Writ petition is accordingly disposed of with the aforesaid consent order allowing the petitioner to withdraw the writ petition but

direction is issued to the respondents to decide the representation so far as promotion of the petitioner to the post of AAO is concerned, and on which order being passed if the petitioner is still aggrieved, then, petitioner can always challenge the same and include in that also challenge to the letter/order dated 16.9.2014 of the respondents rejecting the claim of the fixation of pay at a particular pay scale as claimed by the petitioner in the present writ petition.

6. Let the petitioner file a comprehensive representation seeking benefit of promotion to the post of AAO within a period of two weeks from today, and the respondents will thereafter decide the representation by passing a speaking order within six weeks thereafter.

7. Writ petition is disposed of in terms of aforesaid observations.

VALMIKI J. MEHTA, J

DECEMBER 07, 2016

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