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

+ W.P.(C) 6980/2017

JODHA SINGH RAWATT Petitioner
Through: Mr. Shakti Chand Sharma, Adv.

versus

LIFE INSURANCE CORPORATION OF INDIA
AND ANR Respondents
Through: Mr. S. Rajappa, Adv.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **16.08.2017**

The present petition has been filed by the petitioner for quashing of order dated 28th February, 2017 which is an order passed by the respondents pursuant to the order of this court dated 7th February, 2016 in W.P.(C) No. 9517/2016. The prayers in this petition, primarily are for promotion to the post of AAO cadre pursuant to the interviews held in the year 2015-2016, and fixing of his pay as an ex-Combatant clerk on his appointment in LIC in the year 1993.

The relevant facts are, the petitioner served Indian Air force as a Combatant clerk and had retired as a Sergeant on 31st May, 1992. On 8th December, 1993, petitioner joined the respondent Corporation as an Assistant and at present is working as HGA (Admin.). In support of petitioner's claim for promotion to the post of AAO, learned counsel for the petitioner has relied upon Annexure P-10 (Page 80), which is an extract of a

reply to an unstarred question in the Parliament which according to the Ld. Counsel for the petitioner is clear, inasmuch as it is the instructions issued to the Department of Financial Services, which is the nodal department of the Public Sector Banks, extending benefit of seniority and age relaxation for ex-servicemen on re-employment shall be applicable. Learned counsel for the petitioner has drawn my attention to page 83 of the paper book more specifically instructions dated 13th August, 1986 and 7th June, 1990 to contend that an ex-serviceman is entitled for counting two years of service for the purpose of seniority on his appointment in LIC. Suffice to state the relevant instructions at Page 83 reads as under:

“Bank may allow, for the purpose of seniority in promotion, to their ex-servicemen employees recruited against reserved posts in the clerical and Subordinate cadre, weightage for the period of service rendered by them in the armed forces in the ratio of 5:1 subject to a maximum of 2 years after they have rendered at least 3 years actual service in the Bank after re-employment. This benefit will be available to the ex servicemen only once during their career.”

I have seen the impugned communication dated 28th February, 2017 wherein the respondents have taken a stand that the same is applicable to the banks and not in LIC. In fact in Para 2 of Page 45 of the paper book, which is part of the impugned order, it is the stand of the respondents that the service rendered by an ex-serviceman in Armed Forces shall not be counted for promotion, eligibility, seniority and fixation as the same will disturb the seniority of the existing employees. This stand of the respondents is justified. This plea of the learned counsel for the petitioner on seniority needs to be rejected.

In so far as the issue of pay fixation w.e.f 8th December, 1993 when the petitioner was appointed in LIC is concerned, learned counsel for the petitioner has placed reliance on Page 67 of the paper book, which is an Office Memorandum issued by the Ministry of Finance, Department of Expenditure. It is noted that the respondents have taken a plea that the initial re-fixation of pay shall be regulated by the instructions dated 9th May, 1988. The petitioner has not placed the said instructions on record. Suffice to state there is no explanation in the writ petition why the petitioner is approaching the Court after almost thirteen years. Be that as it may, as learned counsel for the petitioner relies on page 67 of the paper book and there is nothing in the said OM to suggest that the same is applicable to ex-serviceman appointed in LIC, the same shall have no applicability.

I do not see any merit in the petition, the same is dismissed.

V. KAMESWAR RAO, J

AUGUST 16, 2017/jg