

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.759 of 2020

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Sujeet Kumar @ Sujit Kumar Son of Sri Jugal Kumar, Resident of Road No. 07, Kurji Kothia, Vikas Nagar, P.O.- Sadakat Ashram, P.S. Digha, District- Patna, At Present Posted as Civil Judge (Execution Munsif), Civil Court, Ara, Bhojpur.

... .. Petitioner/s

Versus

1. The Life Corporation of India through its Zonal Manager, Jeevan Deep Building, Exhibition Road, Patna.
2. The Zonal Manager, Life Corporation of India, Jeevan Deep Building, Exhibition Road, Patna.
3. The Sr. Divisional Manager, Life Corporation of India, Jeevan Deep Building, Exhibition Road, Patna.
4. The Branch Manager, Life Corporation of India, Rajgir Branch, Rajgir, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satish Chandra Mishra
For the Respondent/s : Mr. Prashant Kumar, Adv

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 18-07-2022 Heard learned counsel for the petitioner and learned counsel for the respondent-Life Insurance Corporation.

Having worked in the respondent-corporation, the petitioner had resigned when he was Higher Grade Assistant (HGA) in the respondent-Corporation with effect from 14.08.2013. He has served in the respondent-Corporation in between 01.07.1996 to 14.08.2013. Subsequently, he has joined the State Judicial Service.

As per the petitioner counsel, the petitioner is entitled to be granted arrears difference arising out of revised salary in



light of the amendment of the Life Insurance Corporation of India, Class III and Class IV Employees (Revision of Terms and Conditions of Service) Rules, 1985, notified on 14th January 2016.

It is further submitted that in view of the said amendment enhanced/revised pay was granted to all the employees with effect from 01.08.2012. The submission is that since the revised scale was made effective from 01.08.2012, the petitioner having resigned subsequently thereto, that is, with effect from 14.08.2013 is entitled to be granted benefit of the said revision/enhancement of pay scale.

Learned counsel for the Corporation has drawn attention of the Court towards the second proviso of sub-clause-4 of the notification dated 14.01.2016, which reads as follows.

“Provided further that the Class III or Class IV employees whose resignation had been accepted or whose services had been terminated under Rules 39 of the Life Insurance Corporation of India (Staff) Rules, 1960 during the period from the 1st August, 2012 to the date of publication of this notification in the Official Gazette shall not be eligible for the arrears on account of revision.”



It is submitted that the notification is clear in its intent that the revised scale or pay was made applicable with effect from 01.10.2012, provided that, the employee had not been terminated or had not resigned in between 01.08.2012 to 14.01.2016.

This Court would observe that the admittedly petitioner had resigned with effect from 14.08.2013, which falls within the period specified in the proviso, quoted above. Therefore, the petitioner is excluded in terms of the notification, under which he claimed the benefit.

The rule is clear that though it is applicable with effect from 01.08.2012, but provided that the employee concerned has not been terminated or resigned in between 01.08.2012 to 14.01.2016. Petitioner, therefore, cannot claim any benefit on account of said rule.

The writ application is devoid of merit and is, accordingly, dismissed

(Madhuresh Prasad, J)

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