



W.P.No.17415 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.17415 of 2016

K. Sukumar

... Petitioner

Vs.

1.The Executive Director (Personnel)
Life Insurance Corporation of India
Central Office, Yogakshema
Jeevan Bima Marg,
Mumbai – 400 021.

2.The Chairman,
Life Insurance Corporation of India,
Central Office,
Mumbai – 400 021.

3.Zonal Training Centre,
Jeevan Vidya,
Prithvipakkam,
Ambattur,
Chennai – 600 053.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent dated 15.05.2014 vide Ref: Per/ERA/14-15/L021 and quash the same and consequently direct the first respondent



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to pay a FULL pension to the petitioner after including the qualifying service of the petitioner from the date of his retirement by invoking Rule 27 of the Life Insurance Corporation of India (Employees) Rules 1995.

For Petitioner : Mr.Krishna Kumar
for M/s.Sarvabhauman Associates

For Respondents : Mr.C.K. Chandrasekhar
for LIC [R1 & R2]

No appearance [R3]

ORDER

The petitioner herein had joined the services of the Life Insurance Corporation of India ('LIC') on 16.11.1974, as an Assistant. Thereafter, he had resigned on 08.12.1982 after about 8 years of service. In the year 1986, LIC had called for applications for recruitment to the post of Assistant Administrative Officers by way of special recruitment. The petitioner was appointed as an Assistant Administrative Officer on 14.03.1987 when his age was 32 years. Thereafter, he had retired on 31.05.2014. His pension was calculated @ 81.8%. By quoting Rule 27 of the Life Insurance Corporation of India (Employees) Pension Rules 1995, he sought for inclusion of 4 years and 10 months of additional service for



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the purpose of claiming full pension. His request came to be rejected through the impugned order dated 15.05.2014, stating that as per Rule 27, his request was not feasible for consideration. Such order is put under challenge in the present Writ Petition.

2. Rule 27 of the Life Insurance Corporation of India (Employees)

Pension Rules 1995 reads as follows:-

“27. Addition to qualifying service in special circumstances -An employee shall be eligible to add to his service qualifying for superannuation pension (but not for any other class of pension) the actual period not exceeding one-fourth of the length of his service or the actual period by which his age at the time of recruitment exceeded twenty-eight years, or a period of five years, whichever is less, if the service or post to which the employee is appointed is one

(a) for which post-graduate research, or specialist qualification or experience in scientific, technological or professional fields is essential;

and

(b) to which candidates of more than twenty-eight years of age are normally recruited; and

(c) for which the candidate was given age relaxation



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over and above the maximum age limit fixed by the Corporation on account of his possessing higher qualifications or experience:

Provided that this concession shall not be admissible to an employee unless his actual qualifying service at the time he quits the service in the Corporation is not less than ten years: Provided further that this concession shall be admissible only if the recruitment rules in respect of the said service or post contain a specific provision that the service or post is one which carries the benefit of this rule.”

3. As per the aforesaid Rule, the benefit of the Rule can be allowed only if all the three conditions provided under 27(a) to 27(c) are simultaneously satisfied. In the instant case, the post of an Assistant Administrative Officer is a generalist post which does not require an essential qualification of post-graduate research or specialist qualification or experience in scientific technological or professional fields. As a matter of fact, the person who holds a Graduate Degree with 50% marks and 7 years of experience were also eligible for applying to the post of Assistant Administrative Officer.



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4. When one of the essential qualifications for claiming addition of the qualifying service as a special circumstance, has not been complied with by the petitioner herein, he may not be entitled for the benefit under Rule 27 and therefore, his claim for inclusion for the period of four years, cannot be sustained. As such, I do not find any infirmity in the impugned order dated 15.05.2014 passed by the third respondent.

5. Accordingly, the Writ Petition stands dismissed. No costs.

23.01.2023

Speaking/Non-speaking Order

Neutral Citation: Yes/No

Index: Yes/No

Internet: Yes/No

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M.S.RAMESH,J.

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To

- 1.The Executive Director (Personnel)
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Mumbai – 400 021.
- 2.The Chairman,
Life Insurance Corporation of India,
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