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

\+ W.P.(C) 6100/2019

JOGINDER PAL .....Petitioner

Through: Dr. Anurag Bhardwaj and Mr. Vikas Sharma, Advocates.

versus

SR. DIVISIONAL MANAGER LIC OF INDIA .....Respondent

Through: Mr. Anoop K. Kaushal, Advocate with Ms. Sapna V. Gautam on behalf of LIC.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

<u>O R D E R</u>

% **12.11.2024**

1. This writ petition has been preferred on behalf of the Petitioner for a direction to the Respondent to grant benefit of one more increment of computerisation along with consequential benefits and arrears as per the Rules of the Respondent/Life Insurance Corporation of India (‘LIC’).

2. Petitioner avers and urges in the writ petition that he was appointed with LIC on 21.11.1998 as a regular part-time sweeper and the services were confirmed vide letter dated 22.06.1999. As per paragraph 14 of the Office Manual of LIC all employees who were in service before 22.06.2000 were eligible and granted an additional increment for computerisation but the Petitioner was denied this benefit without a just cause. Petitioner was re-designated as Sweeper-cum-Attendant on 30.12.2013 and subsequently promoted to the cadre of Record Clerk in 2014.

3. It is averred that in response to an application under the Right to Information Act, 2005, Petitioner was informed that those employees who

joined the service after 22.06.2000 were not eligible for additional increment for computerisation, which was incorrect and therefore getting no response, Petitioner has approached this Court.

4. Learned counsel for the Petitioner submits that Petitioner was eligible for grant of additional increment for computerisation and consequent arrears and has been illegally denied the said benefit. Impugned decision of LIC is contrary to the Office Manual which provides that confirmed employees/officers who have joined LIC prior to 22.06.2000 will be eligible for additional increment for computerisation w.e.f. 01.07.2000. The ground initially taken by LIC to deprive the Petitioner of the benefit was that only those employees who were in service prior to the cut-off date were entitled to the benefit and therefore the benefit will not apply to the Petitioner who joined subsequent to the cut-off date is wholly flawed as the Petitioner joined LIC much prior to the said date. Subsequently in the counter affidavit, LIC shifted its stand and stated that all 15 increments have been granted to the Petitioner since his joining on 21.11.1998, meaning thereby that it accepted that Petitioner joined prior to 22.06.2000. Even this stand is incorrect as till date the additional increment for computerisation has not been granted to the Petitioner. The fitment chart given in the recent affidavit by the Respondent only shows Basic Pay fitment from 1998 to 2014 and there is nothing which remotely reflects fitment with the additional increment for computerisation. Contradicting this position, it is stated elsewhere that Petitioner is not eligible for the additional increment for computerisation. In a nutshell, the argument is that till date Petitioner has not been granted the additional increment for computerisation and to cover up their illegal action, LIC is taking contradictory and shifting stands in

different affidavits filed from time to time.

5. Learned counsel for the LIC, *per contra,* relying on the additional affidavit dated 04.10.2024 argues that Circular dated 03.12.2013 lays down instructions for conversion of part time sweepers to full time employees. All eligible part time sweepers have to apply for conversion and on their application, interviews are conducted by the concerned Committee. On selection, the part time sweepers are converted to full time employees and designated as Sweeper-cum-Attendant and are granted various benefits enumerated in the Circular. For fitment purposes, *pro rata* increments granted to part time employees are proportionately converted into full increments and their fitment from the date of conversion is done taking into account such notionally added increments, ignoring the fractions of the increments. In consonance with the Circular, Basic Pay is fixed as per number of years of service as on 01.01.2014.

6. It is explained that Petitioner was appointed on 21.11.1998 and had completed 15 years of service on the appointed day and was getting his Basic Pay at 15th stage. If the computer increment is considered, then the Basic Pay would be at the 16th stage. Relying on Clause 12 of Circular dated 03.12.2013, it is submitted that from the date of conversion, Petitioner will be entitled to the pay scale and all benefits as applicable to the cadre of full time sweeper and for fitment purposes, the *pro rata* increments granted as a part time employee have been proportionately converted into full time increments and their fitment from the date of conversion in the pay scale of full time sweeper has been done taking into account such notionally added increments. Therefore, Respondent has already considered the computerisation increment into fixation of Basic Pay from the date of

conversion i.e. 01.01.2014 and no further increment is due and on this basis Petitioner's Basic Pay has been correctly fixed at Stage 4 of Sweeper-cum-Attendant scale at the then existing scale at Rs.6,615/-.

7. Heard learned counsels for the parties and examined their submissions.

8. It is not disputed that Petitioner was appointed with LIC on 21.11.1998 as a part time sweeper and it was only from 01.01.2014 that he was converted as Sweeper-cum-Attendant pursuant to Circular dated 03.12.2013 whereby instructions were issued for conversion of part time sweepers to full time employees. Therefore, till 31.12.2013 Petitioner continued to be a part time sweeper and accordingly entitled to emoluments on that basis. From the additional affidavit filed by LIC, pursuant to directions of this Court, it is evident that Petitioner has been granted increments as due and in consonance with Circular dated 03.12.2013 pursuant to which he was converted to a full time Sweeper-cum-Attendant and in this context, I may refer to Clause 12 of the said Circular, which reads as follows:-

> *"12. From the date of conversion, the Sweeper-cum-Attendant will be entitled to the Pay Scale and all benefits as per Rules as applicable to the cadre of Full Time Sweeper. For fitment purposes, the pro-rata increments granted to the part-time employees during the course of their part-time service shall be proportionately converted into full increments and their fitment from the date of conversion as Full Time Employees in the Pay Scale of Full Time Sweeper shall be done after taking into account such notionally added increments……"*

9. From a reading of Clause 12, it is clear that on conversion of the Petitioner's post from part time sweeper to full time Sweeper-cum-Attendant, he was granted benefit of *pro rata* increments as payable to part time employees during the course of their part time service. The *pro rata*

increments were converted proportionately into full time increments and their fitment was carried out in the pay scale of full time sweeper from the date of conversion, after taking into account such notionally added increments. Accordingly, the new Basic Pay was worked out at 4^{th} Stage of time scale by LIC as follows:-

> *"16 years of service x 1/4 = 4^{th} Stage of time scale (as 8 hours full time and he was employed for on 2 hour duty therefore factor 2/8 = 1/4 taken).*
>
> *As per wage revision from 01.08.2007, 4^{th} stage of pay is Rs.6615.00/-."*

10. Therefore, as rightly urged by LIC, computerization increment effect has been factored in for calculating the Basic Pay and it is further stated in the additional affidavit that arrears from 01.07.2000 to 31.12.2013 have been released. The fallacy of the argument of the Petitioner arises on account of his erroneous understanding of the manner and methodology by which the computerization increment was to be taken into consideration and this in turn is predicated on his perception that even during his employment on part time basis, he would be entitled to the additional increment, which is incorrect as for the said period, increments can only be taken on *pro rata* basis, which has been done in this case by LIC in consonance with Clause 12 of Circular dated 03.12.2013.

11. In view of the aforesaid, there is no merit in the writ petition and the same is accordingly dismissed.

JYOTI SINGH, J

NOVEMBER 12, 2024/*shivam*