



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-03-2025

WEB COPY

CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WP Nos. 24853 & 24857 of 2024

W.P.No.24853 of 2024:

1. N.Sankar

2.M.Sivaganesh,

Petitioner(s)

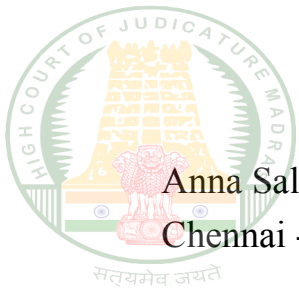
Vs

1. Union Of India

Represented By Its Secretary,
Ministry Of Finance,
Department Of Financial Services,
New Delhi.

2.The Chairperson,
Life Insurance Corporation Of India,
Central Office, “Yogakshema”,
Jeeva Bima Marg,
Mumbai.

3.The Zonal Manager,
Life Insurance Corporation Of India,
Southern Zonal Office, LIC Building,



Anna Salai,
Chennai -600 002.

WP Nos. 24853 & 24857 of 20



WEB COPY

Respondent(s)

WP No. 24857 of 2024

1. S.Ravindran,

Petitioner(s)

Vs

1. Union Of India
Represented By Its Secretary,
Ministry Of Finance,
Department Of Financial Services,
New Delhi.

2.The Chairperson,
Life Insurance Corporation Of India,
Central Office, “Yogakshema”,
Jeeva Bima Marg, Mumbai.

3.The Zonal Manager,
Life Insurance Corporation Of India,
Southern Zonal Office, LIC Building,
Anna Salai,
Chennai -600 002.

Respondent(s)

WP No. 24853 of 2024

PRAYER

declaring Rule 5 of the Life Insurance Corporation of India Development officers (Revision of Certain Terms and Conditions of service) Amendment Rules 2016 and its retrospective operation as ultra vires to the Constitution and consequently for a direction directing the 2nd and 3rd respondents to grant notional promotion to the Petitioner in the post of Assistant Administrative



Officer with effect from 2016 and as Administrative officer and disburse all the monetary benefits and arrears within the time stipulated by this Court.

WEB COPY

WP No. 24857 of 2024

PRAYER

declaring Rule 5 of the Life Insurance Corporation of Indian Development officers (Revision of Certain Terms and Conditions of service) Amendment Rules 2016 and its retrospective operation as ultra vires to the Constitution and consequently for a direction directing the 2nd and 3rd respondents to grant notional promotion to the Petitioner in the post of Assistant Administrative Officer with effect from 2016 and as Administrative officer and disburse all the monetary benefits and arrears within the time stipulated by this Court.

For Petitioner(s): M/s.K.Thilageswaran
In 2 WPs

For Respondent(s): Mr. K. Gangadharan SC For R1
In 2 WPs
M/s.S.Karthikei Balan, For R2 &
R3 In 2 WPs

COMMON ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The present writ petitions seeking declaration to declare Rule 5 of the Life Insurance Corporation of India Development Officers (Revision of Certain Terms and Conditions of Service) Amendment Rules, 2016 and its retrospective operation as ultra vires to the Constitution and consequential direction to direct the respondents 2 and 3 to grant notional promotion to the petitioners in the post



of Assistant Administrative Officer with effect from 2016 and as Administrative Officer and disburse all the monetary benefits and arrears.

2. Mr.K.Thilageswaran, the learned counsel appearing on behalf of the petitioners solicit the attention of this Court with reference to the pre-amended rule position for promotion to the post of Assistant Administrative Officer in the Life Insurance Corporation (LIC) of India.

3. The pre-amended rule for promotion to the post of Development Officers reads as under:

“13.Promotion of Development Officers:

Any Development Officer considered suitable may be promoted as Assistant Branch Manager or Assistant Administrative Officer, in accordance with Rule (7) of Staff Rules.”

4. The Rule was amended through a notification dated 22.01.2016, exercising powers conferred by Section 48(1) read with Section 48(2)(cc) of the Life Insurance Corporation Act, 1956. The amended Rules reads as under:



WEB COPY



*“5. In rule 14 of the said Rules, for the words
“or Assistant Administrative Officer”, the words “in
the cadre of Assistant Administrative Officer” shall be
substituted.”*

5. In the context of the amended Rule, the petitioners would submit that their opportunity for promotion to the post of Assistant Administrative Officer is completely taken away with retrospective effect. Therefore, the Rule is ultra vires to the Constitution. The promotional opportunity already available to the Development Officers to the post of Assistant Administrative Officer cannot be taken away and as per the amendment the clerical cadre employees working Class III alone is getting promotion to the post of Assistant Administrative Officer. Thus, the amended Rule barring the opportunity of promotion to the Class II and to be declared as null and void.

6. Mr.S.Karthikei Balan, the learned counsel appearing on behalf of the Life Insurance Corporation (LIC) would oppose by stating that the impugned amendment does not curtail the Development Officers' from securing promotion



to the post of Assistant Branch Manager, which is equivalent to the post of

Assistant Administrative Officer. Service Conditions of the Development

Officers are not taken away and therefore, the present writ petition is devoid of

merits. The promotion to Assistant Administrative Officer is now reserved for

Class III employees in the ministerial line, with direct recruitment also being

made. The Development Officers, however, are exclusively promoted to

Assistant Branch Manager, offering ample opportunities for advancement to

higher posts.

7. This Court considered the submissions made on behalf of the parties to the lis. The governing legal principles for promotion are that;

(a) Promotion per se cannot be claimed as an absolute right.

(b) Consideration for promotion is a fundamental right of an employee.

(c) All promotions must be made strictly in accordance with the Service Rules applicable.

(d) An employer has the prerogative to amend Rules unless the amendment infringes the service conditions of employees as per the terms of



appointment.

WEB COPY

WP Nos. 24853 & 24857 of 20



8. In the present case, three key issues are to be considered:

- (1) Whether the petitioners/ Development Officers are deprived of their promotional opportunity to the higher posts?
- (2) Whether any of their service conditions are infringed?
- (3) Whether the impugned amendment cause discrimination amongst the employees working in various cadres?

9. It is amply made clear that the post of Assistant Branch Managers in LIC is exclusively filled up by the eligible employees working in the cadre of Development Officers. When the post of Assistant Branch Manager is available for promotion from amongst the eligibility Development Officers, their promotional opportunities are not taken away by virtue the impugned amendment.

10. Furthermore, the scale of pay, allowances, and other service benefits being granted to the Development Officers are protected. The impugned amendment has not caused infringement on the service rights already conferred



on the Development Officers under the Service Rules in force. In other words,

none of the service conditions applicable to the Development Officers have been altered to their disadvantage. Consequently, the petitioners have not established any cause warranting interference from the hands of this Court.

11. The impugned amendment has not caused any discrimination, as it was made to clear the ambiguity existed in the pre-amended rules. Through amendment, the establishment made it clear that the ministerial employees are eligible for promotion to the post of Assistant Administrative Officers and the Development Officers are eligible for promotion to the post of Assistant Branch Manager. Therefore, the classification made is based on intelligible differentia and does not constitute discrimination depriving one Class of employees from securing promotion to the higher posts.

12. When testing the validity of the rule, Courts have to initially consider whether the existing service conditions are infringed or benefits granted are amended to the disadvantage of the employees. The relationship between



employer and employee is contractual in nature.

WEB COPY

13. In the present case, this Court do not find any discrimination or denial of promotional opportunities for Development Officers, and have promotional chances to the post of Assistant Branch Manager. It is brought to the notice of this Court that the said posts have been filled up only from amongst the eligible officials working in the cadre of Development Officers.

14. That being so, the petitioners have not established any acceptable ground for the purpose of interfering with the impugned amendment, and consequently, the Writ Petitions stand dismissed. No costs.

(S.M.SUBRAMANIAM J.)(K.RAJASEKAR J.)

06-03-2025

(1/2)

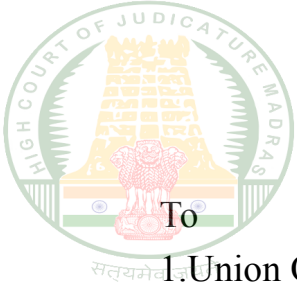
Jeni

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1. Union Of India

Represented By Its Secretary, Ministry
Of Finance, Department Of Financial
Services, New Delhi.

2. The Chairperson,
Life Insurance Corporation Of India,
Central Office, Yogakshema, Jeeva
Bima Marg, Mumbai.

3. The Zonal Manager,
Life Insurance Corporation Of India,
Southern Zonal Office, Lic Building,
Anna Salai, Chennai -600 002.



WEB COPY

WP Nos. 24853 & 24857 of 20



**S.M.SUBRAMANIAM
J.
AND
K.RAJASEKAR J.**

Jeni

**WP Nos. 24853 & 24857
of 2024**

**06-03-2025
(1/2)**