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

\# **CNR No. DLHC010707022013**

\+ LPA 303/2013

SANJAY KUMAR .....Appellant

Through: Mr. Taiyyab Khan Salmani, Ms. Purva Kumari, Ms. Prakriti Pandey, Ms. Khushboo and Ms. Annam Wasay, Advs.

versus

L.I.C OF INDIA & ORS .....Respondent

Through: Ms. Meghna Mital and Ms. Vanita, Advs.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE VINOD KUMAR

ORDER (ORAL)

% **31.08.2026**

The matter is being taken up today as 27 August 2026 was declared as a Holiday.

C. HARI SHANKAR, J.

1. This Letters Patent Appeal is directed against judgment dated 31 January 2013 passed by a learned Single Judge of this Court in WP (C) 2301/2010, whereby the said writ petition has been dismissed.

2. We have heard Mr. Taiyyab Khan Salmani, learned Counsel for the appellant and Ms. Meghna Mital, learned Counsel for the respondents.

3. The appellant was appointed as an Apprentice Development Officer[1] by the Life Insurance Corporation of India[2]. Paras 2 and 10 of the appointment letter read thus:

> "2. PROBATIONARY PERIOD:
>
> You shall be on probation initially for a period of twelve months from the date of your joining duties as a probationer, but the Corporation may, in its sole discretion, extend your probationary period, provided that the total probationary period including the extended probationary period shall not exceed 24 months counted from the commencement of the probationary appointment. During the probationary period (which includes extended probationary period, if applicable) you shall be liable to be discharged from the services of the Corporation without any notice and without any cause being assigned.
>
> 10. MINIMUM BUSINESS:
>
> i) During the probationary period you shall secure through the agents recruited at your instance minimum completed life business of Rs. 3.5 crores yielding a Scheduled First Year Premium Income of not less than Rs. 10.00 lacs provided, however, that in case the pay and/or allowance admissible to you, under Clause I are increased during the period, the minimum business and the premium income which you should secure shall be increased proportionately.
>
> ii) The minimum business set out in (i) shall be spread over not less than 550 lives and shall be secured regularly through a network of dependable agencies.
>
> iii) You will be required to recruit minimum of 35 agents out of which 35 agents should have become active, 35 agents should individually have put in during that period the minimum business required of them in an agency year according to Rule (9) of the LIC of India (Agents) Rules, 1972 and 15 agents should become Productive agents i.e one who has completed either at least 20 lives or 12 lives with Scheduled First Year Premium Income of Rs. 1,00,000 in the agency year.
>
> iv) If your probationary period is extended, you shall secure

[1] "ADO", hereinafter
[2] "LIC", hereinafter

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during the extended period such business as may be intimated to you."

4. On the ground that the appellant had failed to bring him the necessary minimum business as required by para 10 of the appointment letter, the probationary period of the appellant was not extended and his services were terminated on 16 December 2008.

5. Aggrieved thereby, the appellant approached this Court by means of WP (C) 2301/2010.

6. Among others, one of the contentions of the appellant was that, in fact, during the said period, owing to recession, none of the ADOs had achieved the requisite target. The appellant submitted that he had been singled out for differential treatment.

7. The learned Single Judge has reproduced, in para 4 of the impugned judgment, the following chart representing the performance of various ADOs:

						Performance (from probation to 15-12-2008)					No. of Count			
						No of policies	Agents rec.	Schedule FPI	Qual. Agents	Prod Agents	Target achieved			
						Target 550	Target 35	Target 10 lacs	Target 35	Target 15		App cost rate	CR	
Sl. No.	Name (Sh./Ms.)	CODE	BR CODE	Dt of Prob.	Conf. due on									Action
1	Manoj Kumar	5206	11E, SSO	17.12.2007	17.12.2008	106	34	6.12	1	1	Nil	25.04	Outstanding	Confirmed
2	Sh. Kirti	5211	123, SSO	17.12.2007	17.12.2008	130	51	15.8	5	11	1	9.87	Outstanding	Confirmed
3	Sh. Rajesh	5313	123, SSO	17.12.2007	17.12.2008	175	35	7.51	2	3	1	20.77	Outstanding	Confirmed
4	Sh. Manoj Kumar	5219	12K	17.12.2007	17.12.2008	243	30	10.4	6	4	1	15.54	Outstanding	Confirmed
5	U P Singh	5221	12L	17.12.2007	17.12.2008	340	20	7.7	7	2	Nil	20.26	Outstanding	Confirmed
6	Sh. Sajal	5209	123	17.12.2007	17.12.2008	195	28	6.51	1	3	Nil	23.96	Outstanding	Confirmed
7	Sh. Praveen Prakash	5194	116	17.12.2007	17.12.2008	88	26	5.69	0	0	Nil	27.42	Outstanding	Confirmed
8	S K Gautam	5197	326	17.12.2007	17.12.2008	50	16	2.23	0	0	Nil	69.96	Average	Extended
9	Maneesh Khatri	5198	327	17.12.2007	17.12.2008	71	21	3.94	0	0	Nil	39.59	Well above average	Extended
10	Amit Kumar	5200	12D	17.12.2007	17.12.2008	84	18	2.07	0	0	Nil	75.36	Outstanding	Extended

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11	Abhishek Kumar	5201	12D	17.12.2007	17.12.2008	93	31	3.55	1	0	Nil	43.34	Outstanding	Extended
12	Sh. Rajiv Rajnaj	5202	11B, SSO	17.12.2007	17.12.2008	75	19	2.03	4	1	Nil	76.85	Well above average	Extended
13	Ms. Anshita Kale	5203	11B, SSO	17.12.2007	17.12.2008	62	15	2.61	1	0	Nil	59.77	Well above average	Extended
14	Sh. Ritesh Sagar	5204	11B, SSO	17.12.2007	17.12.2008	98	9	3.64	2	2	Nil	42.86	Well above average	Extended
15	Sh. Amit Kumar Dahiya	5208	11L	17.12.2007	17.12.2008	118	16	6.89	3	2	Nil	22.64	Average	Extended
16	Sanjay Kumar	5199	327	17.12.2007	17.12.2008	53	9	1.74	1	0	Nil	123%	Below average	Terminated
17	SH. MS Brijwal	5215	12C	17.12.2007	17.12.2008	20	7	0.74	1	0	Nil	213%	Average	Terminated
18	Gajendra Singh	5216	12J	17.12.2007	17.12.2008	3	2	0.47	0	0	Nil	3275%	Outstanding	Terminated

8. From a perusal of the aforesaid chart, we find that none of the persons named in the said chart achieved the requisite 550 lives insurance during one year. However, the learned Single Judge has, in paras 5 and 6 of the impugned order, noted thus:

> "5. A reading of the aforesaid chart shows that indubitably the petitioner failed to comply with the requirement of bringing in business as per clause 10 of his appointment letter. The petitioner was below the mark *whereas 15 other persons achieved the necessary business for the respondent No.1-corporation* and therefore their probationary periods were extended and they were subsequently confirmed. The petitioner as also two other persons, namely, Sh. M.S. Brijwal and Sh. Gajendra Singh were terminated from services during the probationary period on account of failure to bring in the requisite business.
>
> 6. *The contention of the petitioner that he has been discriminated as against other persons who did not bring in the necessary business but were confirmed is therefore incorrect in view of the chart reproduced hereinabove*."
>
> (Emphasis supplied)

9. It appears that the learned Single Judge was not correct in observing that 15 other persons whose services were continued had achieved the requisite target. None of the persons named in the table have achieved 550 life insurance policies during the required year.

10. On the Court querying in this regard, Ms. Meghna Mital submits that the appellant's performance was inferior to those whose terms have been extended.

11. The appellant's services were not discontinued on the ground of unsatisfactory performance but on the ground that he had not brought in the required minimum business.

12. In that view of the matter, the learned Single Judge ought to have considered the appellant's submission that other ADOs, who had also not performed up to par, were continued. The finding to the contrary, in paras 5 and 6 of the impugned judgment, appears to be in conflict with the table extracted by the learned Single Judge himself.

13. In that view of the matter, we deem it appropriate to quash and set aside the impugned judgment dated 31 January 2013. WP (C) 2301/201 accordingly stands remitted to the learned Single Judge for consideration afresh.

14. We make it clear that, beyond what we have said here, we have not made any observations on the merits of the dispute. It would be open to both sides to advance all submissions before the learned Single Judge when the matter is taken up.

15. Needless to say, the *de novo* proceedings would be uninfluenced by the judgment under challenge.

16. The appeal is allowed to the aforesaid extent with no order as to costs.

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17. As this is a writ petition of 2010, we direct both sides to appear before the learned Single Judge on 28 September 2026. Neither side would be entitled to seek any adjournment on the said date.

C. HARI SHANKAR, J.

VINOD KUMAR, J.

AUGUST 31, 2026/*aky*