

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**LPA No.1392 of 2015 (O&M)**

Date of Decision: September 23, 2015

United India Insurance Company Limited and others

...Appellants

Versus

Sunita Sharma and others

....Respondents

**CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL  
HON'BLE MR.JUSTICE MAHAVIR S. CHAUHAN**

Present: Mr. D.R. Bansal, Advocate,  
for the appellants.

Mr. A.K. Walia, Advocate,  
for the caveators/respondents No.1,2,4,6,7,9 and 10.

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**SATISH KUMAR MITTAL, J. (Oral)**

United India Insurance Company Limited and others have filed this intra-court appeal under Clause X of the Letters Patent against the order dated 05.08.2015 passed by the learned Single Judge, whereby the writ petition (CWP No.16493 of 2013) filed by Sunita Sharma and others (respondents herein) has been allowed and the United India Insurance Company Limited (hereinafter referred to as 'the appellant Company') has been directed to consider and promote the respondents from the date on which other similarly situated employees were promoted, along with all consequential benefits.

Though there is delay of 14 days in filing the appeal and the appellants have filed application (CM No.2978-LPA of 2015) for condoning the said delay, yet we have heard learned counsel for the parties on merits and have gone through the impugned order passed by the learned Single Judge.

In this case, the respondents are working as Assistants/Senior Assistants/Stenographers in the appellant Company. They filed writ petition seeking direction to the appellant Company to consider their claim for promotion to the post of Administrative Officer Scale-I, as per the Personnel Manual applicable to the appellant Company. As per Para 17.2 of the said Manual, an employee who is possessing the qualification of Master in Business Administration from a recognized University is to be awarded 15 marks on that account. It is the case of the respondents that initially when a preliminary panel was prepared by the appellant Company each of the respondents were granted 15 marks on account of possessing the aforesaid degree. However, later on vide letter dated 15.07.2013 (Annexure P-7) those marks were withdrawn on the ground that the degree in MBA possessed by the respondents was of one year instead of two years. The respondents challenged the said action of the appellant Company in the writ petition which was allowed by the learned Single Judge while coming to the conclusion that a perusal of the Manual clearly provides that a holder of a Degree in MBA from the recognized University is entitled to the grant of 15 marks and in the said Regulation there is no condition with regard to minimum duration of the MBA course. The condition with regard to the

duration of the course to be of a minimum of two years is only with regard to the course of Post Graduation Diploma in Business Administration from a recognized University/Institute.

After hearing the learned counsel for the parties and going through the impugned order passed by the learned Single Judge, we do not find any ground to interfere in the same. Undisputedly, in this case the promotion was to be made under the Personnel Manual of the appellant Company. Para 17.2 of the said Manual clearly provides that a candidate possessing a Degree in MBA from a recognized University is entitled to the grant of 15 marks while preparing a panel for promotion. The said para of Personnel Manual does not talk about duration of the MBA course. The contention raised by the learned counsel for the appellants on the basis of the letter dated 15.07.2013 (Annexure P-7) regarding duration of two years is only talked about the Post Graduation Diploma in Business Administration from a recognized University. There is a lot of difference between a Post Graduation Diploma and a Degree. The condition which is made applicable for employees for promotion to the next higher post of Administrative Officer Scale-I having Post Graduation Diploma in Business Administration (minimum two years duration) cannot be made applicable where the Degree in MBA from a recognized University is required. In our opinion, the learned Single Judge has rightly distinguished between two and has come to the conclusion that the appellant Company cannot withdraw 15 marks awarded to the contesting respondents for possessing a Degree in MBA from a recognized University. Thus, in our opinion, the learned Single

Judge has rightly allowed the writ petition and the same does not require any interference in this Letters Patent Appeal.

No merits. Dismissed.

( SATISH KUMAR MITTAL)  
JUDGE

September 23, 2015  
vkg

(MAHAVIR S.CHAUHAN)  
JUDGE