

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-1966-2013 (O&M)

Date of Decision: September 26, 2016

Life Insurance Corporation of India

.....Appellant

Versus

D.K.Sharma

.....Respondent

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA

1.	Whether speaking/reasoned ?	Yes/No
2.	Whether reportable ?	Yes/No
3.	Whether Reporters of local papers may be allowed to see the judgment?	Yes/No
4.	To be referred to the Reporters or not?	Yes/No
5.	Whether the judgment should be reported in the Digest?	Yes/No.

Present: Mr.B.R.Mahajan, Sr.Advocate with
Mr.Sunil Kumar Sharma, Advocate
for the appellant.

Mr.Vijay Rana, Advocate
for the respondent.

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SURYA KANT, J.

[1] This Letters Patent Appeal challenges the order dated 19.07.2013 whereby learned Single Judge allowed the respondent's writ petition with a direction that he is entitled to be considered for promotion as Divisional Manager w.e.f. the date his juniors were promoted and that he shall also be entitled to monetary benefits from the deemed date of his promotion.

[2] Brief reference to the facts are as under:-

[3] The respondent joined the appellant-Life Insurance Corporation of India (For short, 'the Corporation') in 1983 as Assistant Divisional

Manager. He was at Sr.No.7 amongst Assistant Divisional Managers/Senior Divisional Managers belonging to Group VIII, for the purpose of further promotion to the cadre of Divisional Manager. The Committee considered the case of officers including respondent for promotion in the year 1990, following the prescribed criteria of 'merit-cum-seniority'. The respondent could not make it hence, his juniors were promoted. Such a process was again initiated in the next year, i.e. 1991 in which the respondent qualified and consequently he was promoted as Divisional Manager in April, 1991. However, feeling aggrieved by his non-promotion in the year 1990, respondent filed the instant writ petition which was, as noticed in the opening paragraph, has been allowed by learned Single Judge.

[4] Learned senior counsel for the appellant-Corporation at the outset submits that having regard to the fact that the respondent-writ petitioner retired way back and is a senior citizen, the Corporation is inclined to grant him benefits in terms of the order passed by learned Single Judge, but reasoning assigned by learned Single Judge in para No.3 of the order under appeal is totally erroneous and contrary to the concept of 'merit-cum-seniority' and if it sustains, the other affected officers/officials of the Corporation might take advantage thereof.

[5] We have gone through para No.3 of the order under appeal. Since it is not in dispute that criteria for promotion is 'merit-cum-suitability', the merit will have precedence over other factors. The Corporation has evolved the method of assessing 'merit' on the basis of grading of 'Annual Confidential Reports' of the Officers. Such a criteria *per se* neither violates the principles of natural justice or fair play nor runs contrary to any set of

Rules. So long as the Corporation applies the criteria for determining merit as per grading in `Annual Confidential Reports` on uniform basis, no fault can be found with it. Obviously, once merit is determined on the basis of grading of `Annual Confidential Reports, there is no legal necessity to allocate marks as well for the ACRs and then to determine *inter se* merit of the officers.

[6] In the light of above discussion, appeal is disposed of with a direction that let consequential benefits, if already not granted, be released to the respondent within a period of three months from the date of receipt of a certified copy of this order.

[7] Para 3 of the order passed by learned Single Judge stands clarified/modified in above terms.

[8] Disposed of.

(SURYA KANT)
JUDGE

September 26, 2016
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(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned
Whether Reportable

: Yes/No
: Yes/No