

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 6526/2013

Pradeep Ramji Bondade,
Aged 51 years, Occ: Service, R/o 8, Indraprastha
Layout, Post Pratapnagar, Nagpur-24.

PETITIONER

-VERSUS-

1. Life Insurance Corporation of India,
Through its Chairman, having its Office at
LIC of India Central Office "Yogakshema"
Building, Jeevan Bima Marg, Mumbai-32.
2. Life Insurance Corporation of India,
through its Executive Director (Personnel)
having its Office at LIC of India Central
Office, 'Yogakshema' Building, Jeevan Bima
Marge, Mumbai – 32.
3. Life Insurance Corporation of India,
through its Senior Divisional Manager,
Nagpur Division Office, National Insurance
Building, S.V. Patel Marg, Nagpur.

RESPONDENTS

Shri S.P. Palshikar, counsel for the petitioner.
Shri P.N. Kothari, counsel for the respondents.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : SEPTEMBER 30, 2022.

JUDGMENT (PER : A.S. CHANDURKAR, J.)

The petitioner came to be appointed as an Assistant with the Life Insurance Corporation of India in the year 1984. It is his case that he was thereafter promoted on the post of Assistant Administrative Officer. He had discharged his duties satisfactorily and was thus expecting a future promotion on the post of Assistant Divisional Manager in the year 2009. Since the petitioner was not so promoted he made a representation and put forth his case. His request however was not considered. In the year 2012 he again expected the orders of promotion to be issued. He was however not so

promoted despite the fact that promotions were effected in the year 2013. Being aggrieved the petitioner has approached this Court praying that he be granted a deemed date of promotion in the cadre of Assistant Divisional Manager/Senior Branch Manager from the year 2009.

2. We have heard the learned counsel for the parties and we have perused the documents on record. According to the petitioner despite being eligible the case of the petitioner was not considered for promotion. He was deprived of being promoted in the year 2009 for no justifiable reason. The petitioner was more meritorious and had attained the necessary seniority for being so promoted. Reliance was sought to be placed upon the Annual Confidential Reports of the petitioner to substantiate this contention. By depriving the petitioner of such promotion for no justifiable reason the petitioner had been discriminated against.

3. According to the respondents after considering the entire service record of the petitioner he was not found suitable for being promoted. It was denied that with a view to discriminate against the petitioner he had not been promoted. As per the Life Insurance Corporation (Staff) Regulations, 1960 promotions were required to be effected on the basis of merit, suitability for the higher post and seniority as per Regulation 7(3) of the said Regulations. Hence there was no merit in the contention of the petitioner that the petitioner had been deprived of promotion. By filing an additional

affidavit it has been stated that the petitioner came to be promoted as Assistant Divisional Manager on 21.04.2015 and the same was accepted by him without any protest. Further the petitioner has opted for voluntary retirement in the year 2020 and has received all service benefits.

4. On considering the documents on record in the light of rival submissions it is clear that Regulation 7(3) of the said Regulations relates to the promotions to the post of Assistant Divisional Manager and they are to be effected on the basis of merit, suitability of the candidate and seniority. In the reply filed on behalf of the respondents the manner in which the case of the petitioner has been considered is referred to. We do not find any material on record to hold that by not promoting the petitioner in the year 2009 he was deliberately kept out of contention. After considering the entire service record the petitioner came to be promoted in the year 2015. We do not find that it will be permissible for this Court to substitute its opinion in place of the opinion expressed by the respondent-Authorities. The subjective satisfaction of the Authorities is not shown to have been arbitrarily arrived at. In absence of any allegations of *mala fides* we are not inclined to interfere in writ jurisdiction. It is also to be noted that after being promoted on the post of Assistant Divisional Manager in the year 2015 the petitioner has opted for voluntary retirement in the year 2020 and he has accepted all service benefits. For these reasons we find that the prayer for grant of deemed date of promotion from the year 2009 cannot be granted.

5. The writ petition is therefore dismissed with no order as to costs.
Rule stands discharged.

(URMILA JOSHI-PHALKE, J.)

(A.S. CHANDURKAR, J.)

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