

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1155 of 2019

In

Civil Writ Jurisdiction Case No.6901 of 2015

Surendra Prasad Singh, Son of Sri Mathura Singh, Resident of Quarter No. C-4/1, Walmi Campus, P.S.- Phulwari Sharif, District- Patna, Pin Code-801505 (Bihar), presently working as Senior Divisional Manager, The Oriental Insurance Company Ltd., Divisional office-3, Sudama Palace, Kankarbagh Main Road, Patna, P.S.-Kankarbagh, P.O.-Lohiya Nagar, Pin Code-800020 (Bihar).

... .. Appellant/s

Versus

1. The Oriental Insurance Company Limited through the Chairman-cum-Managing Director, Oriental House, A-25/27, Asaf Ali Road, New Delhi-110002.
2. The General Manager (Personnel), The Oriental Insurance Company Limited, Oriental House, A-25/27, Asaf Ali Road, New Delhi-110002.
3. The Deputy General Manager (Personnel), The Oriental Insurance Company Limited, Oriental House, A-25/27, Asaf Ali Road, New Delhi-110002.
4. The Chief Manager (Personnel), The Oriental Insurance Company Limited, Oriental House, A-25/27, Asaf Ali Road, New Delhi-110002.
5. The Chief Regional Manager, The Oriental Insurance Company Limited, Kadamkuan, P.O. and P.S.-Kadamkuan, District-Patna, Pin Code-800003 (Bihar).

... .. Respondent/s

Appearance :

For the Appellant/s	:	M/s Munna Pd Dixit (M.P. Dixit), S.K.Dixit S.K.Chaubey Swastika, Advocates
For the Respondent/s	:	M/s Satyabir Bharti Sushmita Sharma Abhishek Anand Kanu Priya, Advocates

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-09-2023

1. The writ petition was dismissed on the ground
that the petitioner was not considered for promotion in the year



2012-13 in the fast track mode. The writ petition admittedly was filed in the year 2015 and the same was dismissed finding that there is delay in challenging the denial of promotion.

2. We heard learned counsel for the appellant and learned counsel for the respondents. The learned counsel for the appellant would specifically urge that the ACRs were never communicated to him and in that circumstance he did not know that the ACRs for 2009-10, 2010-11 and 2011-12, which was under consideration for the year 2012-13; graded him as outstanding. He knew about the ACRs only later when he asked for it under the Right to Information Act on 11.07.2014.

3. Learned counsel for the respondents, however, submits that the petitioner had appeared for the fast track promotions in the successive years also and he had failed to qualify. The consideration is not based on ACRs alone but also on the basis of the performance at the interview. It is admitted that the ACRs were not communicated but, the petitioner had been lax in not taking up the matter at the appropriate time.

4. It is very pertinent that the petitioner had applied for and failed in the promotions of the successive years also i.e., 2013 and 2014. The petitioner was granted promotion under the fast track mode itself in the year 2015. It is after that



the petitioner filed an RTI application and obtained the ACRs. If the petitioner was aggrieved with the denial of promotion in the year 2012-13, it would have been appropriate that he agitated the cause at that time itself. He should have been vigilant and asked for the ACRs even at that point of time. That having not been done, many others were promoted and he cannot claim a retrospective promotion on the basis of the later information obtained under the RTI Act. The prayer of the petitioner; if now allowed, would unsettle the promotions made of the years 2012, 2013 and 2014; in which event the promotees of that year will have to be heard. None of those who would be so prejudiced are impleaded. Yet again promotions are made on a comparative merit and also performance at the interview. Based merely on the ACRs the petitioner cannot claim a retrospective promotion; not at all when it was not agitated diligently.

5. This appeal stands dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Shiv/-Spd/-

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