

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

CWP-4527-2005 (O&M)

Date of Decision:06.03.2024

PARVEEN ARORA

..... Petitioner

Versus

NATIONAL INSURANCE CO. LTD AND ORS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Anurag Chopra, Advocate with
Mr. Akshit Dalal, Advocate,
Ms. Sanjana, Advocate and
Mr. Jaskaran Singh, Advocate for the petitioner.

Mr. Rahul Bansal, Advocate and
Mr. D.R. Bansal, Advocate for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 08.09.2004 (Annexure P-1) whereby claim of the petitioner has been declined.

2. The petitioner on 10.05.1988 joined respondent-organization as Typist and she was promoted to the post of Stenographer in 1989. She became entitled to promotion to the post of Assistant Administrative Officer, however, she was not extended benefit of promotion though she was considered in the promotional exercise of 1999 (Annexure P-2), 2002 (Annexure P-5) and 2003 (Annexure P-10). The respondent vide order dated 08.09.2004 has rejected claim of the petitioner holding that during preceding years different persons have been promoted as per policy. No candidate who ranked below petitioner has been promoted. The panel prepared for interview cannot be treated as final ranking list whereas final ranking list is prepared after adding marks obtained on

account of work record and in the interview. The relevant extracts of the order read as:

“You must be aware that the criterion for promotion to the post of Assistant Administrative Officer is prescribed under Para 35 of the scheme. As per laid down criteria seniority carries 40 marks, qualifications 25 marks, work record 25 marks and interview 10 marks. You must also be aware that earlier to 1999 the seniority carried 30 marks and interview 20 marks. But the policy was amended and to reduce arbitrariness and to make the promotion more transparent the marks for seniority were enhanced to 40 and marks for interview were reduced to 10.

The panel is prepared by taking into account the marks obtained by the candidates as per criteria laid down in the policy. Before preparing the panel marks for seniority and qualification are calculated and panel is prepared. Higher the marks a candidate gets on account of seniority and qualification he is higher in the panel. Thereafter the marks for work record and marks a candidate gets in the interview are added and final ranking list prepared.

The relevant record for the promotion exercise of 1999 to 2002 has been looked into. It is found that you applied for being considered in the promotion exercise for the years 1999 to 2002. The persons promoted during these years were strictly as per provision of the promotion policy. The candidates who ranked below you were not promoted. You are taking the panel prepared before the interviews as the final ranking list whereas final ranking list is prepared after adding marks obtained on account of work record and in the interview. In the panel you may be at higher place but when the marks on account of work record and interview were added you ranked below the promoted candidates.”

3. Mr. Anurag Chopra, Advocate submits that petitioner was awarded 2 marks out of 10 in the interview and she has been promoted in 2010 whereas she should have been promoted either in 2001 or 1999. He

further submits that respondents may be directed to re-consider case of the petitioner.

4. Mr. Rahul Bansal, Advocate submits that no candidate has been promoted in violation of the policy. The petitioner was always insisting for promotion on the basis of ranking in the promotional exercise whereas she never cared of total marks i.e. marks obtained in the interview as well as work performed. The respondent has considered merit-cum-seniority as well as interview.

5. I have heard the arguments of both sides and with the able assistance of learned counsel have perused the record.

6. This Court cannot substitute opinion of Selection Committee. It is prerogative of the interview Board to grant marks. The Court cannot ask to reduce or enhance the marks granted by the interview Board.

7. The petitioner apart from marks in the interview is claiming that her juniors have been promoted and this fact needs to be re-considered.

Without commenting upon merits as well as marks obtained by candidates, the petition is disposed of with a direction to respondents to re-consider claim of the petitioner to the limited extent whether her juniors have been promoted prior to her promotion. The needful shall be done within a period of 3 months from today.

8. Pending misc. application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

06.03.2024
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>