

Form No. J. (2)
(SKB)

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION**

Present :

**The Hon'ble Justice:- Madhuresh Prasad
And
The Hon'ble Justice:- Prasenjit Biswas**

F.M.A.368 of 1987

With

**CAN 2 of 2016 (Old CAN 7201 of 2016)
CAN 3 of 2025**

**National Insurance Co. Ltd. and others
Versus
Tarun Kumar Ghosh**

Mr. Ranjay De, Sr. Adv.,
Mr. Basabjit Banerjee,
Mr. Adityajit Abel Bose

... for the appellants.

Mr. Kaushik Dey,
Mr. Soumyajit Mishra

... for the respondent.

Heard on: 7th May, 2026

Judgment on: 7th May, 2026

Madhuresh Prasad, J.

1. Heard the learned advocates representing the appellants and the writ petitioner/respondent.

2. The writ petitioner/respondent participated in a process of promotion from the post of Inspector-I (hereinafter referred to as the 'Inspector') to the post of Assistant Administrative Officer (hereinafter referred to as the 'AAO'). He was not found fit for the promotion, which compelled him to approach the writ court by filing the writ petition (CO No.17333(W) of 1985).
3. The writ court found the petitioner's/respondent's disqualification in the promotion policy to be unsustainable. The writ court was of the view that he was found ineligible for consideration based on an issue which was not germane to the petitioner's claim based on the extant policies for promotion.
4. The respondents/appellants was thus directed to consider the petitioner's claim without raising an objection based on the requisite minimum premium procurement of Rs.8 lac in the year prior to the promotion year and minimum Rs.6 lac premium procurement in the average of the five years preceding to the promotion year. The consequential benefits, as a result of such consideration have also been directed to be extended to the petitioner. The order of the writ court is dated 16.09.1986 and is the subject matter of the present intra court appeal.
5. The petitioner's claim for the promotion in question is to be considered in terms of the extant policy for grant of promotion, namely, "*Promotion Policy for Promotion of Inspector Grade-I to the*

cadre of Assistant Administrative Officer” (for short “Promotion Policy”).

6. The only issue at the core of the dispute is the requirement of the minimum premium income procured by the petitioner as stipulated in 11(c) of the Promotion Policy, which reads as follows:

“11. Condition of Eligibility:-

“Those of the inspectors Grade I who satisfy the following conditions of eligibility shall be considered for promotion.

(c) The Scheduled Premium Income procured during the year immediately preceding the year in which promotion is being considered and the average of the Scheduled Premium income procured during the preceding three years, should not be less than the limits specified in column (2) and column (3) respectively in the table given below:-

TABLE:

(1)	(2)	(3)
<i>Inspectors operating at-</i>		
<i>(A) Bombay, Calcutta, Madras and New Delhi</i>	<i>Rs. 8 Lakhs</i>	<i>Rs. 6 Lakhs</i>
<i>(B) “A” Class Cities (other than those referred to in (A) above “B-1” Class Cities.</i>	<i>Rs. 6 Lakhs</i>	<i>Rs. 4½ Lakhs</i>
<i>(C) All other cities.</i>	<i>Rs. 4 Lakhs</i>	<i>Rs. 3 Lakh</i>

7. The same was clarified by a Circular dated 25.01.1980, relevant extract of which reads as follows:

“It is clarified that ‘A’, ‘B-1’ and ‘B-2’ Class Cities referred to in the Promotion Policy are the cities declared as such by the Central Government from time to time for the payment of City Compensatory Allowance to their employees.”

8. It is submitted by the learned senior advocate for the appellants that the respondent/petitioner availed the benefit of City Compensatory Allowance. His posting at Chandernagore under the Calcutta Division-XV is not in dispute. In fact, he has mentioned this fact in his application for promotion. The respondent's area of operation at Chandernagore Branch falls within the Calcutta Division-XV and, therefore, falls within the Calcutta Urban Agglomeration as per the 1981/1991 census. Therefore, the minimum premium procurement requirement for Calcutta at Serial (A) of the Table at Clause 11(c) of the Promotion Policy was applicable to the petitioner. thus, the petitioner could become eligible for the promotion in question only if he had a minimum premium procurement of Rs.8 lakhs in the year preceding the year of promotion and an average premium procurement of Rs.6 lakhs in the 3 (three) years preceding the year of promotion.
9. It is submitted that since the posting, grant of benefit of City Compensatory Allowance are not in dispute, the petitioner, as per

the promotion policy read with the clarificatory circular dated 25.01.1980, was liable to procure such premium income. Having failed to do so, he was not entitled to any consideration for promotion.

10. The learned advocate for the writ petitioner/respondent has drawn attention of this court towards the findings of the learned Single Judge in the judgment under appeal to submit that the policy for promotion, was considered harmoniously with the clarificatory circular dated 25.01.1980. The learned Single Judge after due consideration, recorded the finding that the premium procurement as per the 4 cities in category 'A' of the table of the promotion policy would not be applicable to the petitioner. He submits that the fact that the petitioner was getting a City Compensatory Allowance is of no relevance and cannot support the impugned action of the respondents/appellants, in treating the petitioner as a person posted in Calcutta so as to consider his eligibility under Serial (A) of the table at Clause 11(c) of the Promotion Policy. The petitioner's claim is required to be considered and decision be taken strictly in terms of the Promotion Policy. In terms thereof, the authorities have fallen in error and, therefore, the Hon'ble Single Judge has rightly directed for consideration of the petitioner's claim treating him as a person posted in 'A' class city, at serial (B) of the above quoted Table in the Promotion Policy.

11. We have considered the rival submissions. We have also gone through the Promotion Policy and the clarificatory circular dated 25.01.1980, relevant extract quoted above.
12. The only issue arising for consideration is whether the petitioner's eligibility for the promotion by virtue of his posting and "*area of operation*" was rightly considered under serial (A) of the Table contained in Clause 11(c) of the Promotion Policy.
13. We find that a plain reading of the Table leaves no ambiguity as regards applicability of serial (A) only to the four cities stated in the Table, namely, Bombay, Calcutta, Madras and New Delhi.
14. The next/lower tier cities for which a lower minimum premium procurement was prescribed as an eligibility for promotion is categorized at serial (B) of the Table and includes "A" *class cities*, "B-1" *class cities* and "B-2" *cities*. These three *class cities* are distinct from the four cities referred to at serial (A) of the Table.
15. The three *class cities* specified at serial (B) are the area of operation wherein the minimum premium procurement has been specified as Rs.6 lakhs in the year preceding the year of promotion and average schedule premium income of Rs.4½ lakhs in the 3 (three) years preceding the year of promotion. The basis for classification of *class cities* referred to at serial (B) as a group

is clarified by the clarificatory circular dated 25.01.1980, quoted above.

16. The corporation adopted the classification made by the Central Government from time to time for the purposes of payment of City Compensatory Allowance to the employees of the Central Government. The *class cities*, therefore, form a different category altogether, independent and distinct from the four metro cities enumerated at serial (A) of the Table. The petitioner is not posted in either of these four cities. He is posted in an area of operation Chandernagore where he is availing a benefit of city compensatory allowance. Therefore, he is posted in a city categorized @ serial (B) of the Table at Clause 11(c) of the promotion policy. It is, in this context, the learned Single Judge in the order under appeal has considered the issue in the following terms:

“The contention on behalf of the Insurance Company however, cannot be accepted. Inspectors operating at Bombay, Calcutta, Madras and New Delhi have been separately treated under a particular grade or class viz; 'A', Had it been the intention of the policy makers to include the same, that would have found place in the policy itself. Calcutta Municipal Corporation does not extend upto Chandernagore so as to come within the Municipal Limits of Calcutta. The contention of Dr. Banerjee that the Chandernagore comes within the Calcutta agglomeration and ought to be treated as an 'A' Class City, negates itself the second limb of Dr. Banerjee's submission that the same falls within the Group or Class 'A' as mentioned above. Group 'A' deals with only Calcutta as noted above and not any other city or cities near or around it. The obvious intention of the

policy makers is written at large on the face of the policy. Whereas, it would be easier for the Inspectors at the four Metropolitan Cities to promote business at a large Scale but the same may not be available to one of the Suburban Cities in West Bengal. The same is the position with regard to Bombay, Madras & New Delhi. To contend that Chandernagore falls upon Group "A City, would, in my view, lead to a violent departure of the intent of the policy makers. Admittedly, the petitioner had the required Rs. 6 lacs and 4½ lacs business in the last two preceding years, though not Rs. 8 lacs and Rs. 6 lacs, and in the view I have taken, question of acquiring business to the extent of Rs. 8 lacs and Rs. 6 lacs does not arise at all."

17. The consideration and articulation of the learned Single Judge, in our opinion, does not require any further elaboration, much less any interference.
18. In so far as the submissions regarding the petitioner being in a place of posting falling within the urban agglomeration of Calcutta as per the 1981/1991 census, we find that such fact is extraneous to the petitioner's claim for promotion, which is strictly to be guided by the Promotion Policy and the clarificatory circular dated 25.01.1980, considered and discussed above. The learned senior advocate for the appellant has not pointed out any provision in the promotion policy to show that posting in an Urban Agglomeration has any bearing on the requisite minimum policy premium procurement for the purpose of promotion.
19. We, therefore, find no reason to interfere with the judgement of the learned Single Judge.
20. The appeal is dismissed.

21. Accordingly, the pending applications are disposed of.
22. The learned advocate for the petitioner/respondent submits that the consequential benefits are still elusive, for which he is pursuing the authority.
23. Without expressing any opinion on such submission, we leave it for the writ petitioner/respondent to pursue his claim.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)