



108 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-20675-2013 (O&M)
DECIDED ON: 18.02.2026

PIARA SINGH

....PETITIONER

VERSUS

LIFE INSURANCE CORPORATION AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. DS Patwalia, Sr. Advocate with
Mr. Gaurav Rana, Advocate and
Ms. Priyanka Chaudhary, Advocate for the petitioner

Mr. Baldev Mahajan, Sr. Advocate with
Ms. Prerna Malhotra, Advocate and
Ms. Nikita Goel, Advocate for Respondent-LIC

SANDEEP MOUDGIL, J.

Prayer

1. This petition has been filed seeking issuance of an appropriate writ, order or direction including a writ in the nature of Certiorari quashing impugned orders dated 21.04.2008, 10.06.2008, 17.04.2009, 09.06.2009, 23.04.2010, 21.06.2010, 25.04.2011, 10.06.2011, 27.04.2012, 04.07.2012, 02.05.2013 and 10.07.2013 (Annexure P-6 colly) vide which in a totally illegal and arbitrary manner and in complete derogation of Life Insurance Corporation of India (Staff) Regulations, 1960 as adjudicated upon by this Hon'ble Court in Civil Writ Petition

No. 7483 of 1990(P-9), the candidature of the petitioner for promotion to the post of Divisional Manager has been rejected and persons junior to the petitioner have been promoted.

Brief Facts

2. The petitioner, Piara Singh, joined the respondent–Life Insurance Corporation of India on 12.04.1982 as an Apprentice Development Officer after acquiring the qualification of M.A. (Economics). In the course of his service, he earned successive promotions first in November 1990 to the post of Assistant Branch Manager (Sales), thereafter in the year 1995 to the post of Branch Manager, and subsequently on 08.05.2003 to the cadre of Assistant Divisional Manager/Senior Branch Manager, whereupon he was posted at Dera Bassi under the Chandigarh Division.

3. Thereafter, the petitioner was transferred from time to time first to the Divisional Office at Amritsar on 13.05.2004, then to Nakodar Branch on 16.05.2007, and later to the Sales Training Centre, Jalandhar on 20.05.2009.

4. A seniority list dated 01.03.2008 placed the petitioner at Serial No. 137 in the cadre of Assistant Divisional Manager/Senior Branch Manager, from which cadre promotion lies to the post of Divisional Manager, a Class-I post governed by the LIC Staff Regulations, 1960.

5. It is the case of the petitioner that in the first round of promotions conducted in the year 2008–2009, out of 251 eligible officers, 54 were promoted; however, all such officers were junior to the petitioner, and candidates falling between Serial Nos. 138 to 251 were considered, while the petitioner, despite being senior at Serial No. 137, was not selected. Aggrieved thereby, the petitioner

submitted a representation, which did not yield any favourable result, and even in the supplementary list, his name did not find mention.

6. The petitioner further asserts that in the second round of promotions held on 08.08.2009 for the year 2009–2010, he was again not promoted, and though he submitted another representation, the same was rejected through a cryptic and non-speaking communication. The petitioner continued to be overlooked in subsequent promotion rounds held in the years 2010–2011, 2011–2012, 2012–2013 and 2013–2014, despite repeated representations.

7. The grievance of the petitioner is also founded upon information obtained under the Right to Information Act dated 16.02.2012, wherein it was indicated that no specific circular existed regarding evaluation of Confidential Reports for promotion to Class-I posts, coupled with the assertion that such reports were never communicated to the employees.

8. On the aforesaid premises, alleging arbitrariness, lack of transparency, and violation of his right to fair consideration for promotion, the petitioner has approached this Court by way of the present writ petition filed on 10.09.2013.

Contentions

On behalf of the petitioners

9. Learned counsel for the petitioner submits that the action of the respondents in denying promotion to the petitioner is arbitrary, illegal and violative of Articles 14 and 16 of the Constitution of India. It is contended that the petitioner, who was placed at Serial No. 137 in the seniority list dated 01.03.2008, has been consistently superseded by his juniors, inasmuch as in the first promotion round of

2008–2009, 54 officers junior to the petitioner were promoted, whereas the petitioner was ignored without any justifiable reason.

10. Learned counsel further submits that the entire promotion process is vitiated on account of absence of any objective criteria for evaluating merit and suitability. It is argued that, as per the information obtained under the Right to Information Act dated 16.02.2012, the respondent-Corporation itself has admitted that no specific circular exists governing the evaluation of Confidential Reports (DOPA/ACRs) for promotion to Class-I posts.

11. It is next contended that in the absence of any prescribed criteria or parameters, the assessment of merit becomes wholly arbitrary and unguided, thereby rendering the entire selection process unconstitutional. Learned counsel submits that the respondents have failed to disclose the basis on which merit and suitability of candidates were adjudged, and no material has been placed on record to justify the supersession of the petitioner.

12. Learned counsel for the petitioner further argues that the respondents have also failed to disclose the number of vacancies available in the relevant promotion rounds, and such non-disclosure warrants an adverse inference against the respondents. It is also submitted that the petitioner was never communicated any adverse entry in his Confidential Reports, nor was he afforded any opportunity to represent against the same. Thus, the reliance, if any, on such uncommunicated material for denying promotion is in violation of the principles of natural justice.

13. Learned counsel further submits that the rejection of the petitioner's representations was through cryptic and non-speaking orders, which do not disclose any reasons, thereby vitiating the decision-making process. It is argued

that the petitioner has been repeatedly considered in several promotion rounds but has been denied promotion without assigning reasons, which clearly reflects arbitrariness and lack of transparency in the process.

14. On the aforesaid grounds, it is prayed that the impugned action of the respondents be set aside and the petitioner be considered for promotion to the post of Divisional Manager with all consequential benefits.

On behalf of the respondent

15. Learned counsel for the respondents contend that promotions in the Corporation are governed by Regulation 7 of the Life Insurance Corporation of India (Staff) Regulations, 1960, which has statutory force. Under Regulation 7(1), promotions are made only against sanctioned vacancies, and under Regulation 7(2), the selection is undertaken with the assistance of duly constituted Committees.

16. It is further submitted that Regulation 7(3) specifically provides that promotion shall be based on merit, suitability and seniority, and that merit and suitability are to be adjudged on the basis of Confidential Reports, and where applicable, interviews or examinations.

17. Learned counsel submits that the process of promotion is thus a selection process based on comparative merit, and not a matter of seniority alone. Seniority operates only where merit and suitability are equal. It is contended that the petitioner was duly considered for promotion in the years 2008–09 and subsequent rounds, but upon comparative assessment of merit and suitability vis-à-vis other eligible officers, he was not found fit for promotion by the competent Committee.

18. Counsel further submits that the evaluation of merit is undertaken through a structured system of Confidential Reports, which involves assessment by the Reporting Officer, Reviewing Officer and Further Reviewing Officer, thereby ensuring objectivity and eliminating arbitrariness.

19. It is also argued that promotions are limited to the number of available vacancies, and even officers with satisfactory service records may not be selected if they do not rank sufficiently high in the order of merit and thus the petitioner cannot claim promotion merely on the basis of seniority or on the ground that some juniors have been promoted, as the governing Regulation mandates selection on relative merit and suitability.

20. It is further contended that in a process of selection based on merit, no reasons are required to be assigned for non-selection, particularly when the decision is taken by an expert body in accordance with statutory rules.

21. Counsel lastly submits that there is no violation of any statutory provision, nor any arbitrariness in the process, and therefore no interference is warranted in exercise of writ jurisdiction.

Analysis

22. The primary submission of the petitioner that there exists no criteria for promotion is liable to be rejected in view of the above statutory provision. A plain reading of Regulation 7(3) makes it evident that the criteria for promotion is merit and suitability, with seniority playing a subsidiary role.

23. At this stage, it would be appropriate to reproduce the relevant provision governing the field: **Regulation 7 of the LIC (Staff) Regulations, 1960 – “Recruitment and Promotion”**

Direct Recruitment & Promotions:

7. *7. ******(1) All recruitment and promotions shall be made against the vacancies in sanctioned posts.*

*(2) In making selections and promotions the appointing authority (vide Schedule I) shall be assisted by Committees herein prescribed:
xxxxxxx*

(3) Promotion shall be based on merit, suitability of the candidate for a particular post and seniority. Merit and suitability may be judged by confidential reports and/or interviews and/or examinations

provided that for promotion of Development Officers, the Board' may fix such criteria for determining suitability as it deems fit having regard to the duties performed by Development Officers.

24. The argument of the learned senior counsel that in the absence of a separate circular the process becomes arbitrary cannot be accepted. Once the field is governed by a statutory Regulation, the same itself constitutes the governing norm. The RTI response relied upon by the petitioner does not dilute or override the statutory mandate. Further, the record reflects that the assessment of merit and suitability is undertaken through Confidential Reports, which are prepared by the Reporting Officer and subjected to review at multiple levels. Such a multi-tier evaluation mechanism ensures objectivity and rules out arbitrariness.

25. As far as the contention that juniors have been promoted does not advance the petitioner's case. Under the scheme of Regulation 7(3), promotion is not based on seniority alone but on comparative merit and suitability. In a process of selection, it is always open for a junior, who is found more meritorious, to be promoted over a senior.

26. It is also well settled that promotion is not a matter of right. An employee has only a right to be considered for promotion, and not a right to be

promoted. It is a settled principle of service jurisprudence that while an employee possesses a fundamental right to be considered for promotion in accordance with the law, there exists no vested or absolute right to claim promotion as a matter of course. In the instant case, the record demonstrates that the petitioner was duly considered by the Departmental Promotion Committees (DPCs). When the petitioner himself failed to fulfill the requisite merit or eligibility criteria, the petitioner cannot now assert a legal grievance. The right to consideration having been satisfied, the mere fact that the petitioner was not promoted, does not constitute a violation of any legal or fundamental right. Guidance may be drawn from the Apex court in ***“The Director, Lift Irrigation Corporation Ltd. v. Pravat Kiran Mohanty 1991 (2) SCT 333”*** wherein it was duly observed that,

The procedure adopted is just, fair and reasonable and beneficial to all the employees without effecting their scales of pay or losing the seniority from the date of initial appointment. Undoubtedly, in this process the respondent/writ petitioner lost some place in seniority which is consequential to amalgamation. He has not been deprived of his right to be considered for promotion, only his chances of promotion have been preceded. It was not the case of the respondent that the action was actuated by mala fide or colourable exercise of power. There is no fundamental right to promotion, but an employee has only right to be considered for promotion, when it arises, in accordance with the relevant rules.

In the present case, it is not disputed that the petitioner was considered in the promotion rounds from 2008–09 onwards. However, upon comparative assessment, he was not found suitable by the competent Committee.

27. The submission regarding non-disclosure of vacancies is equally without merit. Regulation 7(1) itself provides that promotions are to be made against sanctioned vacancies, and necessarily, selection is confined to the limited number

of posts available. Consequently, even candidates with satisfactory service records may not find a place in the select list.

28. The plea that no reasons were assigned for non-selection is also untenable. In a selection process based on comparative merit undertaken by an expert body, there is no requirement to record or communicate individual reasons for non-selection, particularly when the rules do not so provide.

29. The further argument regarding non-communication of adverse entries is misplaced. The assessment is not confined to adverse remarks alone but is based on overall grading and comparative performance of all eligible candidates.

30. This Court, in exercise of writ jurisdiction, cannot sit in appeal over the decision of a duly constituted Selection Committee or reassess comparative merit, in the absence of any allegation of mala fides or violation of statutory provisions, neither of which has been established in the present case.

Conclusion

31. In view of the aforesaid discussion, this Court is of the considered opinion that the promotion process in the respondent–Corporation is governed by the statutory provisions contained in Regulation 7 of the LIC (Staff) Regulations, 1960, which clearly mandate selection on the basis of merit and suitability.

32. The petitioner has failed to demonstrate any violation of the said Regulations or establish any arbitrariness, mala fides or illegality in the decision-making process. The record reflects that the petitioner was duly considered in the relevant promotion rounds but was not found suitable on comparative assessment.

33. It is well settled that promotion is not a matter of right, and an employee has only a right to be considered, which, in the present case, stands duly satisfied.

34. No ground is made out for interference in exercise of writ jurisdiction. Accordingly, the writ petition is devoid of merit and is liable to be dismissed.

35. Pending application(s), if any shall disposed off.

18.02.2026
anuradha

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No