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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 4109/2022

K RAMAKRISHNAN .....Petitioner

Through: Mr. Bhavya Sethi & Mr. Shiven Khurana, Advocates.

versus

THE HANDICRAFTS AND HANDLOOM CORPORATION OF INDIA LIMITED AND ANR .....Respondents

Through: Mr. Shoumedu Mukherji, Sr. Panel Counsel with Ms. Megha Sharma, Ms. Aniruddha Ghosh & Ms. Surabhi Tuli, Advocates for R-1.
Ms. Leena Tuteja, Sr. Panel Counsel with Ms. Ishita Kadyan, Advocate for R-2, UOI.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **03.02.2026**

1. This petition has been filed by the Petitioner seeking issuance of a writ of mandamus directing the Handicrafts and Handloom Corporation of India Ltd. (Respondent No. 1) to issue a promotion order in his favour to the post of Deputy Marketing Manager with effect from 31st October, 2020, along with all consequential benefits.

2. The Petitioner was appointed as an Office Manager with Respondent No. 1 Corporation on 18th December, 2007 and was subsequently promoted to the post of Assistant Marketing Manager on 28th January, 2015. While working as Assistant Marketing Manager, the Petitioner was deputed to the Delhi Metro Rail Corporation ("DMRC") with effect from 1st June, 2018 for a period of three years. The said deputation was thereafter extended up to 31st May, 2023.

3. The grievance of the Petitioner, which has led to the filing of the present petition, arises from a meeting of the Departmental Promotion Committee ("DPC") held on 28th August, 2020. According to the Petitioner, in the said meeting, he was empanelled for promotion to the post of Deputy Marketing Manager against a vacancy which was to arise upon the retirement of T. Malarvizhi, who was then working as Deputy Marketing Manager and was due to retire on 31st October, 2020.

4. It is the Petitioner's case that upon the retirement of Malarvizhi on 31st October, 2020, the vacancy stood accrued and he became entitled to be promoted to the post of Deputy Marketing Manager in terms of the minutes of the DPC meeting dated 28th August, 2020. It is contended that despite the vacancy having arisen, no promotion order was issued in his favour.

5. The Court has heard counsel for the parties. The Petitioner's claim to promotion is founded entirely on the minutes of the DPC meeting dated 28th August, 2020, the relevant portion whereof reads as under:

> *"5. Deputy Marketing Manager: At present there are 3 clear cut vacancies of Deputy Marketing Manager to be filled by promotion.*
>
> *The three clear cut vacancies now proposed to be filled up fall at points 2,3,4 (third replacement). The point no. 2,3,4 pertains to General Category. There are 2 General candidates and 1 SC candidate in the feeder cadre.*
>
> *5.1. The Committee scrutinized the Annual Confidential Reports of Assistant Marketing Managers, examined the zone of consideration prepared based on the seniority list and recommended the following officers fit for promotion against 3 clear cut vacancies in the following order:*
>
> *1.) Shri Ashwani Kumar Arora (Gen)*
> *2.) Smt Devender Singh Patwal (Gen)*
> *3.) Shri B. Padmanabhan (SC)*
>
> *5.2. Apart from these 3 clear cut vacancies, 1 vacancy is likely to*

occur after the promotion of the following official:

S.No.	Name/Designation	Category	Location	Qualification	Date of last promotion/ Appointment	ACR details of last five years
1.	Shri T. Malarvizhi	SC	Chennai	B.Com, Diploma Cert. in Computer Application	14.07.2015	2014-15- V.Good 2015-16-V.Good 2016-17- V.Good 2017-18-O.S. 2018-19-O.S.

*Shri T. Malarvizhi, is working as Deputy Marketing Manager and is due for promotion to Marketing Manager.

1 vacancy likely to occur after promotion of Shri T.Malarvizhi, we may make a panel and the promotion will be made from the date of likely occurrence of the vacancy. The one vacancy likely to occur after the promotion of Shri T.Malarvizhi, will fall at point 5 (third replacement). The point no. 5 pertains to SC Category. The following officer is eligible for promotion:

1.) Shri K. Ramakrishnan (SC)

6. Deputy Manager (Tech): 1 vacancy of Deputy Manager (Technical) is likely to occur after the promotion of the following official:

S.No.	Name/Designation	Category	Location	Qualification	Date of last promotion/ Appointment	ACR details of last five years
1	Shri M. Krishnamoorthy	ST	Chennai	SSLC, DHT, Diploma in Comp Application	26.12.2014	2014-15- V.Good 2015-16- V.Good 2016-17- O.S. 2017-18-V.Good 2018-19-O.S.

Shri M. Krishnamoorthy, is working as DM [Technical) and is due for promotion to Manager (Technical).

1 vacancy likely to occur after promotion of Shri M. Krishnamoorthy, we may make a panel and the promotion will be made from the date of likely occurrence of the vacancy. The one vacancy likely to occur after the promotion of Shri M. Krishnamoorthy will fall at point 14 (first replacement) which pertains to ST Category and ST candidate is available in the feeder cadre., the following officer is eligible for promotion:

1.) Shri Pramod Kumar Khapekar (ST)

7. Assistant Marketing Manager: There are thirty two vacancies in the grade of Assistant Marketing Manager to be filled by promotion and there are only three Office Manager (Rs.14000- 27500) in the

feeder cadre, who is eligible for promotion, which falls at point no.47,48 and 49. The point No. 47 pertains to SC, point No. 48 & 49 pertains to General category. There is no SC candidate in the feeder cadre. We may fill all the three vacancies with the General candidates and the point which goes to SC candidate will be carry forward and SC point will be filled in next DPC.

7.1 The Committee scrutinized the Annual Confidential Reports of Office Managers, examined the zone of consideration prepared based on seniority list and recommended the following officers fit for promotion in the following order:

(1)Shri Gyan Chand
(2) Shri S.K. Hussain
(3) Smt. Sunni Rawat"

6. A perusal of the aforesaid minutes indicates that the DPC first considered three clear-cut vacancies in the cadre of Deputy Marketing Manager and recommended three officers as fit for promotion against those vacancies. These recommendations are recorded in Clause 5.1 of the minutes. It is not in dispute that the Petitioner does not figure in the list of officers recommended against the three clear-cut vacancies.

7. Clause 5.2 of the minutes records that, apart from the three clear-cut vacancies, one vacancy was '*likely to occur*' upon the promotion of Mr./Ms. T. Malarvizhi. The minutes further state that for such a likely vacancy, a panel may be prepared and that the promotion '*would be made*' from the date of likely occurrence of the vacancy. The Petitioner is shown as eligible for consideration against such likely vacancy.

8. The Petitioner has emphasised that since T. Malarvizhi retired on 31st October, 2020, the vacancy did in fact occur and, therefore, he became entitled to be promoted, particularly as there was no other candidate indicated for the said post.

9. In the opinion of the Court, no vested or crystallised right accrued in

favour of the Petitioner. The minutes of the DPC draw a clear distinction between recommendations made against existing, clear-cut vacancies and a vacancy which was merely stated to be likely to arise. The Petitioner was not recommended against any existing vacancy. His inclusion in Clause 5.2 was contingent upon a future event and, by the express language employed, was tentative in nature.

10. Even otherwise, the minutes do not reflect any final recommendation for promotion of the Petitioner. They do not indicate that his Annual Confidential Reports were assessed in the same manner as the ACRs of other officers recommended against the clear-cut vacancies. The language used in Clause 5.2 does not lead to the conclusion that a binding or final decision had been taken in his favour.

11. The Court is, therefore, unable to accept the Petitioner's contention that his promotion was illegally denied or that he stood empanelled for promotion. The DPC minutes relied upon by the Petitioner do not support such an assertion.

12. It is also relevant to note that the Petitioner tendered his resignation from Respondent No. 1 Corporation on 18th August, 2021 and was permanently absorbed in DMRC with effect from 19th August, 2021. Such absorption was also at the post of Assistant Marketing Manager. In the absence of any crystallised right to promotion in Respondent No. 1 Corporation, the Petitioner cannot, at this stage, seek the relief as prayed for.

13. At this juncture, it must also be noted that Respondent No. 1 Corporation already has been closed down pursuant to the approval of the Union Cabinet, Government of India. In this regard, reference may be made to the Press Note dated 16th March, 2021, the relevant extract whereof reads

as under:

> *"The Union Cabinet, chaired by the Prime Minister, Shri Narendra Modi has approved the closure of Handicrafts and Handlooms Export Corporation of India Limited (HHEC), the Corporation, a Government of India undertaking under the administrative control of the Ministry of Textiles.*
>
> *There are 59 permanent employees and 6 Management Trainees serving in the Corporation. All the permanent employees and Management Trainees will be given an opportunity to avail the benefit of a Voluntary Retirement Scheme (VRS) as per norms laid down by the Department of Public Enterprises.*
>
> *The approval will benefit the Government exchequer in reducing recurring expenditure on salary/wages of sick CPSE which is not in operation and earning no income.*
>
> *The Corporation has been continuously incurring losses since financial year 2015-16 and not earning sufficient income to meet its running expenses. There is little scope for its revival, necessitating closure of the Company."*

14. The Court is also informed that Respondent No. 1 Corporation had been continuously incurring losses since the financial year 2015-16 and had not been earning sufficient income to meet its running expenses. The decision to close down the public sector enterprise was taken with a view to reduce recurring expenditure on salary and wages borne by the public exchequer. Pursuant thereto, the process of closure and absorption of employees was initiated.

15. In view of the foregoing discussion, the Court finds no merit in the writ petition. The petition is accordingly dismissed. Pending application(s), if any, shall also stand disposed of.

SANJEEV NARULA, J

FEBRUARY 3, 2026/*hc*