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

\+ W.P.(C) 4160/2019, CM APPL. 18772/2019

RAHUL MANI .....Petitioner

Through: Mr. Pradeep Kumar Arya, Mr. Gaurav Chaudhary, Mr. Priyanshu Malik, Mr. Vaibhav Chaudhary, Ms. Arunima Singh and Ms. Akshita Chaudhary, Advocates.

versus

THE UNION OF INDIA & ORS. .....Respondents

Through: Ms. Ritika Singhal, Advocate for R-2 to 5.
Mr. Sandeep Kumar Mahapatra CGSC with Ms. Mrinmayee Sahu, Mr. Tribhuvan and Mr. Abhimanyu, Advocates for R-1.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% **06.02.2026**

1. This writ petition has been filed by the Petitioner, an employee of Indraprastha Gas Limited,[1] seeking (i) quashing of the communication dated 26th May, 2017 rejecting his representation, and (ii) a mandamus directing IGL seeking three successive promotions: Deputy Manager to Additional Manager (26th February, 2012), Additional Manager to Manager (26th February, 2015), and Manager to Chief Manager (26th February, 2018).

Factual Matrix

2. The Petitioner joined IGL as a Graduate Engineer Trainee in 2008,

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[1] "IGL"

was promoted to Deputy Manager in 2009, and thereafter did not receive any further promotion. The edifice of the claim rests on the "eligibility period" set out in IGL's Promotion Policy. The Petitioner asserts that once the eligibility period stood completed, the promotions became due as a matter of course. In aid of this plea, reliance is placed on (i) a long-service certificate dated 15th December, 2018, and (ii) an award dated 21st June, 2019, to contend that his performance has been satisfactory and recognised by the employer.

3. The Petitioner had earlier approached this Court in W.P.(C) 8442/2017. That petition was dismissed as withdrawn on 10th January, 2019 with liberty to file afresh. The withdrawal order does not record any adjudication on maintainability or on the merits. The present petition, filed thereafter, seeks to resurrect the same broad grievance, but now in the form of a challenge to the rejection letter dated 26th May, 2017 coupled with a prayer for direct promotion.

4. IGL resists the petition at the threshold. It is contended that IGL is not "State" within the meaning of Article 12. It is pleaded that 50% shareholding is public, while 22.5% is held by Gas Authority of India Limited,[2] 22.5% by Bharat Petroleum Corporation Limited,[3] and 5% by the Government of NCT of Delhi.[4] IGL asserts that it is a professionally run, financially independent company which does not receive grants from the Consolidated Fund and is not under the administrative, functional, or financial control of Government. On merits, IGL submits that (i) eligibility is only relevant for consideration, not an entitlement to promotion, (ii)

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[2] "GAIL (India) Ltd."
[3] "BPCL"

promotions depend upon vacancies, performance, and business requirements, (iii) the Petitioner cannot leapfrog directly from Deputy Manager to Chief Manager, and (iv) the Petitioner's performance ratings over multiple appraisal cycles were in the bands of "Needs Improvement" or "Doesn't Meet Expectation", and the case was not found fit by the relevant process.

5. On consideration of the submissions advanced by the counsel and the pleadings and material on record, following issues arise for determination:

(i) Whether IGL answers to the description of 'State' within the meaning of Article 12 of the Constitution, or is otherwise amenable to writ jurisdiction under Article 226 on the footing that it discharges public functions;

(ii) If writ jurisdiction is otherwise invocable, whether the present dispute, which concerns promotion within the service structure of IGL, carries the requisite public law element so as to warrant a writ of *mandamus*.

(iii) Whether this writ petition is liable to be non-suited on the principles of delay and laches.

(iv) On merits, whether the Petitioner establishes an enforceable right to promotion, or even a case of unlawful denial of consideration for promotion, in the face of the Promotion Policy, the Performance Management System, and the performance material placed by IGL.

Analysis

Maintainability: Article 12 and the public law threshold

6. The Petitioner proceeds on the premise that IGL is 'State' under Article 12. The material placed by IGL, however, points in a different

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[4] "GNCTD"

direction. IGL is a listed company. The shareholding disclosed is that 50% is public shareholding, 22.5% is held by GAIL (India) Ltd., 22.5% by BPCL, and 5% by GNCTD. It is also asserted that IGL does not receive governmental grants or budgetary support, and it operates on internal accruals. Its dividends are distributed to shareholders. The Board, as described, comprises nominee directors of the shareholders and independent directors.

7. The Article 12 inquiry is not concluded by the presence of government shareholding. The controlling tests, post ***Ajay Hasia v. Khalid Mujib***[5] and its later elucidation in ***Pradeep Kumar Biswas v. Indian Institute of Chemical Biology***,[6] look to deep and pervasive governmental control, the source of financial dependence, and whether the body is essentially an instrumentality or agency of the State. On the material pleaded, the element of decisive governmental ownership and control is not made out. Public shareholding is substantial. The Petitioner has not placed any cogent material to show that governmental control is so pervasive as to render IGL a state instrumentality in its management and decision-making.

8. There is, however, a distinct strand of law which recognises that a writ may, in exceptional circumstances, issue even to a non-State entity when it is discharging a public duty of a public character. Decisions such as ***Andi Mukta Sadguru Shree Muktajee Vandas Swami Suvarna Jayanti Mahotsav Smarak Trust v. V.R. Rudani***,[7] and ***Binny Ltd. v. V. Sadasivan***.[8] explain the underlying principle. However, this route does not dispense with

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[5] (1981) 1 SCC 722.
[6] (2002) 5 SCC 111.
[7] (1989) 2 SCC 691.
[8] (2005) 6 SCC 657.

the core requirement that the *lis* must have a public law element. A writ is not a forum to enforce purely private service rights in the guise of public duty.

9. IGL's business of supplying natural gas to consumers in the National Capital Region has an undeniable public interface. Even so, the present dispute is not about supply obligations, consumer rights, regulatory compliance, or a statutory duty owed to the public. The Petitioner asks for a mandamus to grant him three promotions, retrospectively and in one sweep, based on an internal promotion policy and performance management framework. That claim, at its heart, is a service dispute of a private character. Even if IGL were assumed to discharge certain public functions, a writ of mandamus does not ordinarily lie to adjudicate and enforce *inter se* service entitlements of employees, where the grievance does not bear upon any public duty owed by the entity to the public at large. The petition therefore falters at the threshold.

Delay and laches

10. The petition is also beset with delay. The Petitioner asserts that promotions fell due on 26th February, 2012, 26th February, 2015, and 26th February, 2018. The representation relied upon is dated 26th April, 2017, which was rejected on 26th May, 2017. The present writ petition was instituted in 2019. Even if the challenge is confined to the rejection letter dated 26th May, 2017, the lapse of about twenty-two months remains unexplained in any meaningful manner. If the claim is traced to the first alleged denial in 2012, the delay is far longer.

11. Service-related claims, especially those which seek retrospective promotions across multiple levels, are not entertained as a matter of course

after long lapse of time. Courts decline to reopen settled service arrangements and organisational decisions on stale claims, unless a compelling explanation and a clear violation of law is shown. No such explanation appears from the pleadings.

No enforceable right to promotion, and the policy conditions

12. Even if maintainability and delay are put aside, the claim does not succeed on merits. The Promotion Policy relied upon by the Petitioner does not confer a right to promotion upon completion of the eligibility period. Clause 4(c) is couched in terms of eligibility for consideration, not entitlement. That distinction is decisive. Clause 6 of the Policy, which provides for the criteria for promotion, makes the position explicit. Promotion *"will not be an automatic event"* and depends on *"vacancies, performance and other business requirements"*. Clause 12 reinforces that promotions are not time bound, and that completion of the minimum eligibility period does not translate into an automatic claim. The policy, therefore, negates the central premise of the petition, that completion of years of service itself results in a vested right to promotion.

13. The Petitioner's prayer is also structurally misconceived. He seeks three promotions across three levels, retrospectively, culminating in the post of Chief Manager. The Respondents have pointed out that the progression is stage-wise and depends upon successive consideration. A mandamus to grant multiple promotions in one command, without the intervening assessments contemplated by the Policy, would amount to rewriting the promotion framework.

14. The Petitioner also invokes the Performance Management System to contend that he was denied feedback and, therefore, deprived of the

grievance process. Even on the Petitioner's version, this is not a basis to command promotions. At the highest, it may ground a limited grievance about process, provided it is raised promptly and supported by particulars. The Respondents, on the other hand, assert that the appraisal exercise was an annual joint exercise and that ratings were conveyed, while also producing a performance chart showing that the Petitioner fell in categories such as 'Needs Improvement' and 'Doesn't Meet Expectation' for several years.

15. Whether one accepts the Respondents' version in full or notes the Petitioner's denial, the conclusion remains the same for present purposes. Promotion under the Policy is performance-linked and vacancy-dependent. A writ court does not sit as an appellate forum over comparative performance assessments, much less in relation to a non-State employer. The Petitioner has not challenged any appraisal in accordance with any prescribed procedure, nor has any material been placed to demonstrate that the performance assessment was demonstrably perverse or actuated by proven *mala fides*. A long-service certificate or a departmental award, especially where the award is pleaded by the Respondents to be a collective recognition to an entire department, cannot displace the governing promotion criteria under the Policy.

Natural justice, Article 311, and the discrimination plea

16. The attack founded on Article 311(2) is misconceived. Article 311 protects persons holding civil posts under the Union or a State against dismissal, removal, or reduction in rank without inquiry. The Petitioner is not a civil servant. The grievance is about non-promotion. The letter dated 26th May, 2017 is a rejection of a representation. It does not impose a punishment in the constitutional sense.

17. The plea of discrimination on the basis of caste is also devoid of particulars. Allegations of bias and discrimination are serious. They cannot rest on general assertions. The petition does not plead specific incidents, or identify the persons whose conduct is alleged to be tainted.

18. On the aspect of natural justice, the Petitioner contends that he was entitled to a hearing before rejection of the representation. A representation was considered and answered by a reasoned communication. There is no general rule that every rejection of a representation in a service dispute must be preceded by an oral hearing, particularly where the claim is to a discretionary benefit such as promotion. The Petitioner's real grievance is the outcome, not the absence of any meaningful opportunity.

Conclusion

19. Assuming *arguendo* that IGL discharges some public functions, the present dispute is a private service grievance lacking the requisite public law element. This Court does not sit as an appellate forum over such disputes while exercising writ jurisdiction. The petition is also liable to be rejected on the grounds of delay and laches.

20. On merits too, the Promotion Policy does not confer an enforceable right to promotion on completion of the eligibility period. Promotion depends upon vacancies, performance and business requirements, and is not automatic or time bound. The Petitioner has not demonstrated any legal infirmity warranting a writ of mandamus, least of all for three retrospective promotions across successive levels.

SANJEEV NARULA, J

FEBRUARY 6, 2026/*nk*