



**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 21205/2012

Suresh Kumar Shrichandani S/o Shri Govind Ram, age about 50 years, R/o H/o 338/22 Thathera Chowk Ajmer working as Hindi Translator in the Oriental Insurance Company Ltd. Regional Office, Jaipur, Rajasthan

-----Petitioner

Versus

1. The Chairman cum Managing Director, the Oriental Insurance Company Ltd. Head Office, A25-27, Asaf Ali Road, New Delhi-11002
2. The Chief Regional Manager, the Oriental Insurance Company Ltd. Regional Office, Anand Bhawan, Third Floor, Sansar Chand Road, Jaipur-3020001
3. The Senior Divisional Manager, the Oriental Insurance Company Ltd. Divisional Office, Ganesh Bhawan, Mahatma Gandhi Road, Ajmer 305001
4. The Secretary (Insurance Division), Financial Services Division, Jeevan Vihar Building IIIrd Floor Sansad Marg New Delhi-11001
5. Shri Prabhat Kumar Kaushik presently working as Administrative Officer (Hindi Officer) at regional Office S.K. Tower, Nelson Square Chindwada Road, Nagpur 440013, Nagpur Maharashtra

-----Respondents

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For Petitioner(s)	:	Mr. R.B. Sharma Gangthola with the petitioner, present in person
For Respondent(s)	:	Mr. R.K. Salecha assisted by Mr. Hitesh Kumar

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**HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL**

**Judgment / Order**

**24/07/2025**

At the threshold, learned counsel for the petitioner confines this writ petition to the prayer No.1 and gives up the prayers No.2 and 3.



This writ petition is filed by the petitioner seeking a direction to the respondents to issue him offer of promotion to the post of Administrative Officer (Hindi) for Nagpur region in place of the respondent No.5 with all consequential benefits.

The relevant facts in brief are that the petitioner was appointed as Hindi Translator on 10.06.1988 at Jaipur Regional Office of the respondent-the Oriental Insurance Company Ltd. (for brevity "the respondent-company"). The respondent-company held the Promotional Exercise for promotion to the post of Administrative Officer (Hindi)-2008 wherein, the petitioner was placed at merit position No.2 for promotion area Nagpur Region in general category balance list. However, the respondent No.5, who was placed at merit position No.4, was issued the offer of promotion instead of the petitioner. On asking of the petitioner, the respondent-company, vide its letter dated 26.06.2009, relying upon Para 22 of the revised Promotion Policy-2008, stated that since, he has forgone the offer of promotion to the post of Administrative Officer (Scale-I)-2008 Promotional Exercise, his right for consideration stood forfeited to that cadre in the next two Promotional Exercises.

Reiterating the averments made in the memo of the writ petition, learned counsel for the petitioner submits that since, the posts of Administrative Officer (Scale-I) and that of Administrative Officer (Hindi) are in different cadre and do not constitute the same cadre, the basis of eliminating of his candidature from the Ranking List does not survive. He, therefore, prays that the writ petition be allowed in terms as prayed for.



Although, learned counsel for the respondents vehemently opposed the prayer but, he could not dispute that the post of Administrative Officer (Scale-I) and the post of Administrative Officer (Hindi) are in different cadre and are not part of the same cadre. Further, he could not dispute that the revised promotion policy barred consideration of the candidature of an officer for promotion in the next two Promotional Exercises in case he/she forgoes the offer of promotion only to that cadre and not to the different cadre.

Heard. Considered.

Indisputably, the petitioner was eliminated from the Ranking List and was not issued the offer of promotion to the post of Administrative Officer (Hindi) as he has forgone his right of promotion to the post of Administrative Officer (Scale-I)-2008 relying upon Para 22 of the revised promotion policy. The relevant provision of Clause 22 of the revised Promotion Policy for Supervisory, Clerical and Subordinate Staff-2008 of the respondent-company reads as under:-

**"22. Effect of non-acceptance of promotion:-**

No employee will have a right to reject the offer of promotion involving posting to a different place. If an employee feels that he is unable to accept promotion involving posting to a different place, he should represent in writing to the Promoting Authority within one week from the date of receipt of the posting order, giving the reasons why he cannot accept the promotion. The Promoting Authority may, if satisfied with explanation allow him to forego promotion. In such event, the name of the employee will be eliminated from the Ranking List and **he will**



**forfeit his right to be considered for promotion to that cadre in the next two Promotional Exercises.** (emphasis supplied)”

Thus, it is apparent that non-acceptance of the offer of promotion by an employee shall entail forfeiture of his right to be considered for promotion **to that cadre** in the next two Promotional Exercise and not to a different cadre. It may also relevant to mention hear that the subject Promotional Exercise to the post of Administrative Officer (Hindi) was conducted under the old promotional policy issued by the respondent-company for Supervisory, Clerical and Subordinate Staff. Since, it is an admitted position that the post of Administrative Officer (Scale-I) and the post of Administrative Officer (Hindi) are not part of the same cadre and therefore, the reason assigned for eliminating the petitioner from the Ranking List and denial of the offer of promotion to the post of Administrative Officer (Hindi) is not found to be based on any valid reason.

This Court has, vide its order dated 12.05.2025, required the respondent-company to file an affidavit of the respondent No.2 to explain the reason for eliminating the petitioner form the Ranking List as, it was not *prima facie* satisfied with the reason assigned in the letter dated 26.06.2009. Pursuant thereto, an affidavit of Shri Sanjay Jain-the Deputy General Manager, Oriental Insurance Company Ltd, Regional Office, Jaipur dated 08.07.2025 was filed wherein also, no reason different from the reason mentioned in the letter dated 26.06.2009, is assigned.



Therefore, this Court is satisfied that the petitioner has wrongly been denied the offer of promotion to the post of Administrative Officer (Hindi).

Since, the respondent No.5 was offered promotion to the post of Administrative Officer (Hindi) way back in the year 2009, it would not be in fitness for things to pass any order prejudicial to his interest after lapse of almost sixteen years thereafter. It may also be relevant to take note of the fact that the petitioner has also retired during pendency of the writ petition on attaining the age of superannuation.

In view thereof, this writ petition is allowed in following terms:-

1. The petitioner shall be extended benefit of promotion to the post of Administrative Officer (Hindi) from the date the respondent No.5 was so promoted with all consequential benefits barring the actual monetary benefits.
2. The necessary exercise be completed within a period of twelve weeks from today failing which the petitioner would be entitled for a cost of ₹1,000/- per day after the expiry of the stipulated period and the Officer(s) responsible for delay would bear this cost component.

Pending application(s), if any, also stands disposed of.

(MAHENDAR KUMAR GOYAL),J

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