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

+ W.P.(C) 3478/2020

SHALINI SINGH

..... Petitioner

Through: Mr. Ravi Kumar, Mob:
9810009728, e-mail:
rkumaravi@gmail.com.

versus

UNITED INDIA INSURANCE CO.LTD. & ORS.

..... Respondents

Through: Ms. Meenakshi Arora, Sr.
Advocate, Mr. Nikhil Jain and
Mr. Sagar Juneja, Advocates
for R-1.

+ W.P.(C) 44/2021 & CM APPL. 34457/2021

PANKAJ PRAKASH

..... Petitioner

Through: Mr. Ravi Kumar, Mob:
9810009728, e-mail:
rkumaravi@gmail.com.
Petitioner in person, Mob:
9793562200, e-mail:
Pankaj_7265@rediffmail.com.

versus

UNITED INDIA INSURANCE COMPANY LIMITED &
ANR.

..... Respondents

Through: Mr. Amit Kumar Singh, Ms.
Enatoli Sema, Ms. Chubalemla
Chang and Mr. Prang Newmai,
Advocates, Mob: 9958540003,
e-mail: singha21@gmail.com.

+ W.P.(C) 6936/2022, CM APPL. 55932/2022 & CM APPL.
56194/2022

PANKAJ PRAKASH

..... Petitioner



Through: Mr. Ravi Kumar, Mob: 9810009728, e-mail: rkumaravi@gmail.com.
Petitioner in person, Mob: 9793562200, e-mail: Pankaj_7265@rediffmail.com.

versus

UNITED INDIA INSURANCE COMPANY LTD. AND ORS.

..... Respondents

Through: Mr. Amit Kumar Singh, Ms. Enatoli Sema, Ms. Chubalemla Chang and Mr. Prang Newmai, Advocates, Mob: 9958540003, e-mail: singha21@gmail.com.

+ W.P.(C) 6073/2022

PANKAJ PRAKASH & ANR.

..... Petitioners

Through: Mr. Ravi Kumar, Mob: 9810009728, e-mail: rkumaravi@gmail.com.
Petitioner in person, Mob: 9793562200, e-mail: Pankaj_7265@rediffmail.com.

versus

UNITED INDIA INSURANCE COMPANY LIMITED & ANR.

..... Respondents

Through: Mr. Amit Kumar Singh, Ms. Enatoli Sema, Ms. Chubalemla Chang and Mr. Prang Newmai, Advocates, Mob: 9958540003, e-mail: singha21@gmail.com.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

20.04.2023

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[Physical Hearing/ Hybrid Hearing]

1. Mr. Ravi Kumar, Id. Counsel appearing for the petitioner in W.P.(C) 3478/2020 submits that he shall also be appearing for the petitioner in the other connected writ petitions. He submits that he has also filed vakalatnama on behalf of the petitioner in the other connected writ petitions viz. W.P.(C) 44/2021, W.P.(C) 6936/2022 & W.P.(C) 6073/2022.
2. Ld. Counsel appearing for the petitioner by referring to the pleadings in W.P.(C) 3478/2020, submits that the petitioner is challenging the promotion policy for officers-2006 of the respondent no. 1 United India Insurance Company Ltd. He submits that he in particular is challenging para 14.1, 14.2, 15, 21 and 23 of the said promotion policy.
3. Ld. Counsel appearing for the petitioner further by relying upon the pleadings in W.P.(C) 44/2021, submits that the petitioner in the said writ petition has been denied promotion, by taking into account the Annual Performance Appraisal Report (APAR), which were not communicated to him. He, thus, submits that promotion could not have been denied to the petitioner in W.P.(C) 44/2021 on the basis of uncommunicated adverse APAR.
4. On the other hand Mr. Amit Singh, Advocate appearing for respondent no. 1 in W.P.(C) 44/2021 submits that after the directions of the Hon'ble Supreme Court, in *Civil Appeal 5340-5341/2019*, the Annual Performance Appraisal Report (APAR) were communicated to the petitioner in W.P.(C) 44/2021. After receiving the said APARs, the said petitioner i.e. Mr. Pankaj Prakash made representations which



were considered by the General Manager of respondent no. 1. He submits that upon consideration of the representation of Mr. Pankaj Prakash, the General Manager of respondent no. 1 came to the conclusion that the said petitioner was not fit for promotion.

5. The representation was dismissed on 21.09.2020 by the respondent/Insurance Company.

6. Mr. Pankaj Prakash, petitioner in person submits that the disposal of the representation by the petitioner vide order dated 21.09.2020 was not proper and was not in terms of the directions of the Hon'ble Supreme Court. It is submitted by reference to the order dated 21.09.2020 passed by respondent no. 1, by petitioner in person i.e. Mr. Pankaj Prakash, that the respondent was not required to review the APARs, but were required to pass adequate directions on the basis of representation of the petitioner in terms of the order of the Hon'ble Supreme Court.

7. The Petitioner in person, Mr. Pankaj Prakash further submits that his APARs for the year 2012-13 and 2013-14 were outstanding. It was only with respect to the APAR of 2011-12 that adverse remarks were noted against the petitioner, which APAR was uncommunicated. Thus, he submits that the respondent no. 1 cannot review the APAR of the year 2011-2012.

8. Petitioner in person further submits that rather, the respondent was required not to consider the APAR of 2011-2012 for the purposes of considering the case of the petitioner for promotion.

9. Ld. Counsels appearing for respondent no. 1 in the present matters jointly submit that they may be given opportunity to file



written submissions in terms of the directions made on the last date of hearing.

10. Written submissions have also not been filed on behalf of the petitioners. Let written submissions be filed on behalf of the parties within a period of four weeks, along with the judgments they wish to rely upon.

11. Ld. Counsels for respondents further jointly submit that the writ petitions filed by the petitioners, viz Shalini Singh and Pankaj Rakesh, be segregated as they raise distinct issues.

12. In view thereof, Ld. Counsel for the petitioners is directed to file separate written submissions for *W.P.(C) 3478/2020* and separate written submissions for the three petitions in which Mr. Pankaj Prakash is the petitioner viz. *W.P.(C) 44/2021*, *W.P.(C) 6936/2022* & *W.P.(C) 6073/2022*.

13. Mr. Pankaj Prakash may also be present in person, since he is also making submissions on his own behalf before this Court.

14. List *W.P.(C) 44/2021*, *W.P.(C) 6936/2022* & *W.P.(C) 6073/2022* on 13.07.2023, at 2:30 P.M.

15. List *W.P.(C) 3478/2020* on 02.08.2023, at 2:30 pm.

MINI PUSHKARNA, J

APRIL 20, 2023

MR