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

+ **W.P.(C) 3478/2020 with CM APPL. 24933/2023**

SHALINI SINGH

..... Petitioner

Through: Mr. Ravi Kumar, Advocate.

versus

UNITED INDIA INSURANCE CO.LTD.

& ORS.

..... Respondents

Through: Mr. Nikhil Jain, Advocate for
respondent (Ph. 9810693383,
e-mail: officeofnikhiljain@gmail.com)

Mr. Vishwendra Verma for
LIC.

Mr. Harish Vaidyanathan
Shankar, CGSC, Mr. Srish
Kumar Mishra, Mr. Sagar
Mehlawat, Mr. Alexander
Mathai Paikaday, Advocates
(M:9810788606)

39.

+ **W.P.(C) 6073/2022 with CM APPL. 24934/2023**

PANKAJ PRAKASH & ANR.

..... Petitioners

Through: Mr. Ravi Kumar, Advocate.

versus

UNITED INDIA INSURANCE COMPANY LIMITED &

ANR.

..... Respondents

Through: Mr. Amit K Singh,
Mr. Chubalemla Chang and
Mr. Prang Newmei Advocates
for R-1.

Mr. Avnish Singh, SCGC with
Adv. Aditya Vikram for R-2/
UOI (M. 8826437138).

CORAM:



HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

12.05.2023

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[Physical Hearing/ Hybrid Hearing]

CM APPL. 24933/2023 in W.P.(C) 3478/2020

CM APPL. 24934/2023 in W.P.(C) 6073/2022

1. The present applications have been filed on behalf of the petitioners for staying the notice dated 08.05.2023 issued by the respondent – United India Insurance Company Limited. By way of the said notice dated 08.05.2023, promotion exercise of the year 2023-24 within Class I Officers has been initiated by the respondent upto the cadre of Scale V.
2. This Court is informed that approximately 900 people are participating in the said promotion exercise and would be affected by the said promotion exercise.
3. Learned counsel for the petitioners relies upon the order dated 13.04.2022 passed by this Court in W.P.(C) 6073/2022. By way of the said order, this Court had directed that the promotion exercise carried out for the year shall be subject to the outcome of the present writ petition.
4. Learned counsel for the petitioner submits that promotion exercise as carried out by the respondents, is on the basis of a policy of respondents, which is grossly fraudulent, malafide and corruption ridden.
5. Issue notice.
6. Notice is accepted by learned counsel appearing for the non-



applicants. At the outset, it is submitted by Mr. Amit Singh, Advocate appearing for respondent No. 1 that this exercise is being taken on the basis of the policy of the respondent. He further submits that a large number of people would be affected by the promotion exercise. He submits that the petitioner is not even taking part in the promotion exercise.

7. Considering the submissions made before this Court, it is directed that the petitioner in *W.P.(C) 3478/2020* would be at liberty to take part in the promotion exercise.

8. Notice dated 08.05.2023 issued by the respondents manifests that total 405 vacancies are sought to be filled by way of promotion. Further, online pre-promotion qualifying examination for promotion under Fast Track Channel is scheduled to be held on 18.06.2023.

9. The validity of the policy of the respondent for promotion is subject matter of the present proceedings. The matter has been pending since the year 2020. It is seen from the record that in the year 2020, petitioner had filed *CM No. 15851/2020* with respect to Circular dated 14.07.2020 issued by the respondents with respect to conduct of interviews for promotion from Scale II to Scale III. By order dated 21.07.2020, this Court had held that any further action of holding interviews will be subject to the outcome of the present writ petition qua the petitioner.

10. Against the order dated 21.07.2020, petitioner herein had filed appeal before the Division Bench, being *LPA No. 186/2020*. The said appeal was disposed of vide order dated 28.07.2020, clearly recording that since the promotion process involves promotion to 88 vacancies,



the court was not inclined to interdict the same.

11. This Court also notes that vide order dated 13.04.2022 passed in *W.P.(C) No. 6073/2022*, this Court has already directed that any promotion made to Scale – 5 and Scale – 3 shall be subject to outcome of the writ petition.

12. Keeping in view the fact that the promotion exercise entails promotion to 405 vacancies and that a large number of people would be affected if any stay is granted to the promotion exercise as being carried out by the respondent, no stay can be granted to the promotion exercise.

13. However, since this Court vide order dated 13.04.2022 has already directed that the promotion exercise carried out last year would be subject to the outcome of the *W.P.(C) 6073/2022*, it is similarly directed that the promotion exercise carried out on behalf of the respondents in terms of notice dated 08.05.2023, shall be subject to the outcome of the present writ petitions.

14. With the aforesaid observations, the applications are disposed of.

W.P.(C) 3478/2020 and W.P.(C) 6073/2022

15. List on the date already fixed i.e. 02.08.2023.

MINI PUSHKARNA, J

MAY 12, 2023/PB