

Life Insurance Corporation of India and Others

Vs

Jagmohan Sharma and Others

Civil Appeal No. 5936 of 1997

(K. Venkataswami, Dr. A. S. Anand JJ)

01.09.1997

ORDER

1. Leave granted.

2. While allowing a writ petition filed by the respondents, vide judgment dated 16-11-1995, a direction was issued to the appellants herein in the following terms :

"The writ petition is allowed directing Respondents 1 to 4 to promote the petitioner to the post of Assistant Divisional Manager/Senior Branch Manager from the date Respondents 5 to 67 have been promoted with all consequential benefits."

3. The Division Bench in the letters patent appeal declined to interfere and dismissed that appeal in limine vide order dated 13-12-1996.

4. We have heard learned counsel for the parties and examined the record.

5. In our opinion the grievance projected by learned counsel for the appellant to the effect that the learned Single Judge was not justified in directing the promotion of Respondent 1 to the post of Assistant Divisional Manager/Senior Branch Manager and that such a direction could not be given while exercising power of judicial review, appears to us to be sound.

6. In the facts, as noticed by the learned Single Judge, in our opinion, the appropriate direction would have been to the appellants to consider the case of Respondent 1 for his promotion to the post of Assistant Divisional Manager/Senior Branch Manager from the date his juniors from amongst Respondents 5 to 67 in the writ petition were promoted on the same criteria on which those respondents were promoted. We, therefore, modify the direction of the learned Single Judge, as noticed above, and direct that the appellants shall consider the case of Respondent 1 for his promotion with effect from the date his juniors from amongst Respondents 5 to 67 in the writ petition were promoted and if found fit for promotion, to grant to him all the consequential benefits. The consideration of Respondent 1 for promotion shall be on the same basis and on such material as was considered for promoting Respondents 5 to 67. The needful shall be done by the appellant within three months. The order of the Division Bench dismissing the LPA shall also, thus, stand modified accordingly. The appeal is allowed and disposed of to the extent indicated above. No costs.