
(2025) 10 JH CK 0062

Jharkhand HC

Case No: Writ Petition (S). No. 4118 Of 2020

Amiya Abhash

APPELLANT

Vs

Coal India Limited
through the General
Manager (Personnel)

RESPONDENT

Date of Decision: Oct. 16, 2025

Hon'ble Judges: Deepak Roshan, J

Bench: Single Bench

Advocate: Riya Giri, Shashank Shekhar Dubey, Kumar Rishab Anand, Guarav Abhishek,
Anoop Kumar Mehta, Pratyush Kumar, Manish Kumar

Final Decision: Dismissed

Judgement

Deepak Roshan, J

1. By way of present writ application petitioner has prayed for following reliefs:

(a) For grant of average pride rating based on previous three years for the year 2016-17 with penalty of 0.1/0.2 marks as per the new Performance Management System (for short "P.M.S.") Rules dated 30.06.2014 in view of the fact that the Petitioner was on study leave for three years for pursuing at I.I.T.B.H.U., Varanasi duly granted by the competent authority, noting that the same would be helpful and beneficial for the company, but despite this accolade, all requisite qualification, eligibility and entitlement in every respect, was not considered rightly for promotion to the post of Deputy Manager (Civil) in E grade (Annexure-7) and enlistment in the list of promotion due to the sole misconceived ground of not giving himself a SELF RATING;

b) For award of an average noting for the year 2017-18 and 2018-19 on average ratings of previous three years considering in view of the amended ratings of 2016-17;

(c) For grant of notional promotion and seniority as deemed on/from initial appointment in Coal India Limited (for short "C.I.L.");

(d) For grant of increment for the year 2018-19 when executive was under No Pay as was on authorized leave duly granted by the competent authority, considering the same Helpful and Beneficial for the company;

2. Briefly stated, the petitioner joined the respondent as Management Trainee (Civil) w.e.f. 13.02.2013 in the pay-scale of Rs.20600-46500 in E-2 grade and subsequently, when he completed the probation period he was put in E-3 grade with designation of Assistant Manager on 02.06.2014. His service was regularized in E-3 grade vide order dated 25.06.2014. During the period of his service, the petitioner applied for study leave for 3 years for pursuing Ph.D. Course in I.I.T. B.H.U., Varanasi, which was duly sanctioned vide office order dated 25.07.2016. Pursuant to the study leave granted, the petitioner proceeded to pursue his Ph.D. Course and scored 9.53 CGPA. It is further stated that petitioner being on study leave with salary of 3 years from 25.07.2016 to 25.07.2019 (joined back on 26.07.2019) was duly engulfed in the research and study, engrossed in the scholarly research environment around and cross-work, could not get himself a self-rating within the time frame with presumption and bearing on mind that as per Rules and on the basis of previous 3 years Average Pride Ratings, he would be awarded average-rating in view of being study leave with salary of 3 years but the same was not done. It is further stated that due to the said act of the respondents, the petitioner was denied promotion of similar and equal Assistant Managers (E-3 grade) to the post of Deputy Manager (Civil) (E-4) grade in the scale of Rs.29100-54500 vide order dated 20.03.2018. In addition to deprivation of due promotion, the petitioner has also been denied the increments for the year 2018-19, although he was on duly sanctioned study leave.

3. Learned counsel for the petitioner argued that he joined the Respondent Company-CIL on 13.02.2013 as Engineer Grade-2 and in consideration of his satisfactory service, was promoted to Engineer Grade-3 on 14.02.2014 and was regularized vide Office Order No. 1411(A) dated 26.07.2014 (Annexure-2 of the Writ Petition). Thereafter, vide a well-considered decision, the Petitioner was granted study leave for 03 years vide order dated 25.06.2016 to pursue the Ph.D. course at I.I.T., B.H.U., Banaras for the period from 26.07.2016 to 25.07.2019. The said study leave was without any stipulations of non-pride rating on non-filling of self-appraisals and as such, average pride rating was the due right of an employee. The Petitioner did very well in his Ph.D. course and scored 9.53 CGPA as evident from Grade Report. Upon successful return from study leave for Ph.D. course, he was given 'Zero' Pride Rating due non-filling of self-appraisal report during study leave period 2016-2019.

4. The case of the petitioner is that prior to his appointment on 13.02.2013, there was a provision for average Pride Rating on the basis of previous 03 years average Pride. But a new rule came on 30.06.2014 and on the basis of the said rule, the Petitioner was eligible and entitled for Average Pride Rating as being on Study Leave dated 27.07.2016 to 25.07.2019 but the same was denied.

5. Learned counsel for the Respondents opposing the contention of the petitioner, submits that admittedly, the requirement of Clause 21 of Coal India PMS Manual has not been complied with by the Petitioner. The Petitioner has failed to submit year-end self-appraisal within the stipulated

time and accordingly, his performance rating for the assessment year 2016-17 has been taken as 'POOR' with ZERO score. Admittedly, the duration of authorized leave has not been more than 9 months during the assessment year 2016-17 and therefore, Petitioner was required to submit self-appraisal for the period of 8 months and 5 days performed by him during the year 2016-17. The latter part of Clause 26 relating to average rating of previous 3 years does not get attracted as duration of authorized leave was less than 9 months being 8 months and 5 days which in no case is more than 9 months.

6. The Petitioner was fully aware of the system as every year prior to the financial year 2016-17 he had been submitting his Goal Setting and self-appraisal for performance evaluation but for the financial year 2016-17 he has failed to submit self-appraisal for performance evaluation. Therefore, he was rightly awarded 'POOR' with 'ZERO' score.

7. Having heard learned counsel for the parties and after going through the documents brought on record, it appears that the Petitioner being appointed as Assistant Manager (Civil) joined BCCL as Management Trainee in E2 Grade on 13.02.2013. Subsequently, he was regularised in E-3 Grade w.e.f. 26.07.2014 and the Petitioner was granted study leave for 3 years from the afternoon of 25.07.2016 for a period of 2 years with pay and one year without pay. The Petitioner filled the Goal Setting related to his job assignment for the period 01.04.2016 to 25.07.2016. He however, did not submit his self-appraisal for the period which from 1st June of next year i.e. from 01.06.2017 as is applicable to all Executives of Coal India Limited and its Subsidiary Companies for Performance Evaluation.

8. It further appears that the Petitioner on each year prior to the financial year 2016-17 had been submitting his Goal Settings and Self-Appraisal for Performance Evaluation which is absolutely essential for promotion which indicates that Petitioner is well acquainted with applicable Rules of the Respondent Company/CIL. Clause-21 of Coal India PMS Manual reads as under:-

“If an executive fails to submit year end self-appraisal within the stipulated time, his performance rating for the assessment year will be taken as 'POOR' with 0 score.”

9. This Clause also provides that Disciplinary Action under CDA Rules will follow in case of non-adherence to the process of PMS by any Executive. Thus, it is apparent that due to non-submission of self-rating, the performance of the Executive was not evaluated and marked as zero rating as per the PMS Manual.

10. Further, Clause 26 deals with special situations relating to the appraisee on Authorized Leave and the same reads as under:

“If the duration of the authorised leave is more than 9 (nine) months during the assessment year, the executive will not be eligible for PRIDE review.

The rating of the Executive for the assessment year, in such case, will be equivalent to the average rating of the immediately previous 3 years (three) preceding the assessment year

11. The Petitioner was therefore required to submit self-appraisal as his authorized leave was below 9 months being 8 months and few days for that year and therefore average rating of previous 3 (three) years cannot be considered. The performance of Petitioner was ZERO in 2016-17 as per the rule clarified in PMS Manual as per Clause 21 referred above.

12. Additionally, the leave period of the Petitioner was not more than 9 months during the said assessment year for making him eligible for average rating/PRIDE Review and therefore, he cannot be allowed the benefit of average rating. Therefore, the Petitioner was required to submit his self-appraisal for the assessment year 2016-17 which was not submitted and Petitioner was allowed ZERO PRIDE Rating. Deemed date of entry of Petitioner in E3 Grade is 13.02.2014. He was considered by DPC for cut off 30.09.2017 but not recommended for promotion because of rating for the year 2016- 17 was 'ZERO'. For cut off 30.09.2018, due to non-availability of vacancies in civil discipline, no executive was considered/promoted. The Petitioner was not promoted to E-4 Grade on 20.3.2018 with his Batch mates due to the ZERO Rating during the assessment year 2016-17.

13. Having regard to the aforesaid discussions, no relief can be granted to the petitioner. Hence, the instant petition stands dismissed. Pending I.A., if any, also stands closed.