



2025:AHC:172974

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT – A No. - 8566 of 2022

Parmeshwari Dayal
And 5 Others

.....Petitioners(s)

Versus

Union Of India And 4
Others

.....Respondents(s)

Counsel for Petitioners(s)	: Siddharth Khare, Sr. Advocate
Counsel for Respondent(s)	: A.S.G.I., Gaurav Gautam, Pushkar Srivastava

Connected with Writ-A No.21588 of 2023

2025:AHC:172974

Judgment Reserved on 18.09.2025

Delivered on 25.09.2025.

Court No.5

HON'BLE SAURABH SHYAM SHAMSHERY, J.

1. Heard Sri Ashok Khare, learned Senior Counsel assisted by Sri Kauntey Singh, learned counsel for petitioners in Writ-A No.8566 of 2022, Sri Anand Mohan Pandey, learned counsel for petitioners in Writ-A No.21588 of 2023 and Sri Gaurav Gautam, learned counsel for respondents in both writ petitions.

2. In the present case, this Court has passed following order on 12.12.2023.

"Order on Writ Petition

The contention of Mr. Ashok Khare, learned Senior Advocate assisted by Mr. Siddharth Khare, learned Counsel for the

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petitioners is that according to the memorandum of settlement entered into between the employees of the Reserve Bank of India and the All India Reserve Bank Workers Federation, for the promotion of Class-III and IV employees each year, 3% posts that arise during the recruitment year are reserved for promotion and filled up from amongst the candidates in the feeding cadre.

The further contention is that one memorandum of settlement was entered into on 29.04.2014 followed by the next on 02.12.2021. Each of these has/had a life of five years. It is argued that during the recruitment year 2019 and 2020, no promotion was done with regard to Class-III employees and during the year 2021, when the petitioners appeared and qualified the benchmark or threshold test going by their rank, it was said that there were no vacancies for promotion available to accommodate them during the year 2021.

Learned Senior Counsel for the petitioners further says that the 3% posts for recruitment years 2019 and 2020, that were never filled up under the promotion quota of 3%, should have been taken into consideration as backlogs for promotion in the year 2021.

On the other hand Mr. Atul Dayal, learned Senior Advocate assisted by Mr. Gaurav Gautam, learned Counsel for the respondents submits that there is nothing in the memoranda of settlement entered into between the Reserve Bank of India and its employees which may envisage a backlog of vacancies in the promotion quota to be filled up in the following recruitment year.

Prima facie, a perusal of the two memoranda of settlement does not show that there is anything said about what would happen if during a particular year, vacancies of the year reserved for promotion were not filled up. There is a silence about it.

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This Court notices that in clause 3 of the earlier memorandum of settlement, the examination had to be conducted once every calendar year but, now, the examination is required to be conducted once in two calendar years. Nevertheless, in this case prima facie examination for the calendar years 2019 and 2020 has not been held and, where and how, those vacancies of the 3% promotion quota would be dealt with, is not indicated in the memorandum of settlement.

Matter requires consideration.

Parties have exchanged affidavits.

List on 04.01.2024.

Order on Civil Misc. Stay Application No. 1 of 2023

Issue notice.

It is argued by Mr. Khare that the respondents are proceeding to fill up the vacancies that would actually go to the promotion quota from the year 2019 and 2020 by direct recruitment in the cadre of Assistants (Class-III employees).

In the circumstances, it is ordered as an interim measure that till the next date of listing the respondents shall not fill up six posts of Assistants.

*Let this order be communicated to the Regional Director, Reserve Bank of India, Kanpur Region, Kanpur and the Assistant General Manager (Administration), Reserve Bank of India, Kanpur by the Registrar (Compliance) **within 24 hours.***

3. Learned Senior Counsel appearing on behalf of the petitioners has reiterated the submissions mentioned in aforesaid order.

4. Learned counsel for the respondents submitted that in similar circumstances, a Single Bench of Telangana High Court in ***Writ Petition No.590 of 2024, Chichula Bhaskara Rao & Ors Vs. Union***

of India and Ors, decided on 10.1.2025 has considered the above referred submissions and rejected claim of the petitioners therein and there is no dispute that petitioners are similarly situated persons.

5. In rejoinder, learned Senior Counsel has tried to distinguish the facts of *Chichula Bhaskara Rao* (supra) from the facts of the present case by referring a part of *Chichula Bhaskara Rao* (supra) that petitioners therein have participated in the subsequent process for promotion, whereas in the present case, petitioners have not participated.

6. Heard learned counsel for the parties and perused the records.

7. At this stage, it cannot be much disputed that similar issue was considered by a Single Bench of Telangana High Court in *Chichula Bhaskara Rao* (supra) and similar arguments as raised by the learned Senior Counsel here were dealt therein as well as petitioners are similarly placed as petitioners therein. For reference, relevant part of *Chichula Bhaskara Rao* (supra) where arguments of petitioners there were quoted is as follows:

"3.xxx

It is further submitted that a fresh Memorandum of Settlement has been entered between the Union and the respondent Bank for the year 2021 on 02.12.2021. Consequently, on 14.12.2021 respondent No.2 has issued a Circular notifying the examination which was conducted on 30.01.2022 for the panel year 2021. However, in the said notification, the vacancies arose in the years 2019 and 2020 were not included. Therefore, the Union submitted a representation stating that vacancies of 2019 and 2020 also be included in the present notification, but no action is taken thereon. Learned counsel has further submitted that in the said examination, petitioners have secured more than the minimum qualifying marks and in the normal course they would have been promoted to class-III posts, had the vacancies that arose in the years 2019 and 2020 been included. But, contrary to the Settlement entered earlier,

the said vacancies have not been included nor indicated in the 2021 notification, as a result of which, the petitioners are denied their legitimate promotion."

8. Court also takes note that in ***Chichula Bhaskara Rao*** (supra), all the above referred arguments were specifically dealt with and rejected. For reference relevant part of ***Chichula Bhaskara Rao*** (supra) are mentioned hereinafter:

"6) A perusal of the record discloses that admittedly MOS dated 29.04.2014 was in force for a period of five years i.e. for the panel years 2014 to 2018. According to the respondents, there was no provision in MOS dated 29.04.2014 to conduct promotional examination beyond the stipulated period. Further in any of the MOS dated 29.04.2014 and 02.12.2021 there is no provision to carry forward the promotional vacancies to the next panel years in the absence of existence of any MOS and the petitioners failed to place any rebuttal material before this Court.

7)xxx

8)xxx

9) It is also to be noted that the petitioners failed to challenge the MOS dated 29.04.2014 as well as dated 02.12.2021 to the extent they stipulate the 'Effect of the Scheme'. For better adjudication, they are extracted hereunder:

Para 6 of MOS dated 29.04.2014 states "The Scheme as agreed upon in this settlement will be effective from the panel year 2014 and will be in force for next five years ie. till the panel year 2018 after which the scheme will be reviewed by mutual consent".

Para 6 of MOS dated 02.12.2021 states "The Scheme as agreed upon in this settlement will be effective from the panel year 2021 and will be in force for next five years ie. till the year 2026 after which the scheme will be reviewed by mutual consent. Accordingly, next examination will be conducted for the calendar year 2021."

10) The above portions of MOS dated 29.04.2014 and 02.12.2021 clearly stipulate the panel years covered thereunder and there is no whisper of the panel years 2019

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and 2020. Therefore, the petitioners cannot seek the present relief without challenging the above said MOS. Therefore, this Court does not find any merit in the present writ petition.

11) Coming to the judgments relied by the petitioners, they are distinguishable on facts on the ground that in this writ petition the petitioners have not challenged the MOS and therefore the said judgments are of no avail to the petitioners.

12) For the afore-mentioned reasons, the present Writ Petition is dismissed.

Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs."

9. Aforesaid analysis of ***Chichula Bhaskara Rao*** (supra), is squarely applicable in the present case, against the petitioners, therefore, Court finds that there is no reason to take any other view as taken by a Single Bench of Telangana High Court in ***Chichula Bhaskara Rao*** (supra). An attempt to distinguish present case from ***Chichula Bhaskara Rao*** (supra) has no legal force since whether petitioners have participated in subsequent process or not, would have no impact, therefore, both Writ Petitions are dismissed.

(Saurabh Shyam Shamshery,J.)

September 25, 2025

SB