

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1346 of 2014

IN

Civil Writ Jurisdiction Case No. 9124 of 2012

- =====
1. Punjab National Bank, through the General Manager, H.R.D. Division, Head Office, 7 Bhikaji Cama Place, New Delhi
 2. The Chief Manager, H.R.D. Division (Selection Cell), Punjab National Bank, Head Office, 7 Bhikaji Cama Place, New Delhi
 3. The Circle Head, Punjab National Bank, Muzaffarpur Circle, Muzaffarpur
 4. The Circle Head, Punjab National Bank, Circle Ara at Ara

.... Appellants

Versus

Munindra Kumar, S/o Ram Manohar Lal, permanent resident of village - Janipur, P.S. Nanpur, District - Sitamarhi, presently Posted as Clerk - Cum - Cashier, Punjab National Bank, Sonapur, Muzaffarpur Circle

.... Respondent

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Appearance :

For the Appellant/s : Mr. Shiv Kumar Pandey, Adv.

For the Respondent/s : Nivedita Nirvikar, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 17-07-2015

The respondents in C.W.J.C. No.9124 of 2012 preferred this Appeal, feeling aggrieved by the order dated 11.8.2014.

Heard Shri Shiv Kumar Pandey, learned counsel for the appellants and Nivedita Nirvikar,

learned counsel for the respondent.

The subject-matter of the writ petition was the denial of promotion to the sole respondent herein, i.e. the petitioner. In the year 1995, he was working as a clerk in the Arrah Circle of the Punjab National Bank. He is said to have made a request to transfer him to Muzaffarpur Circle. However, it was only in the year 2010, that he was transferred.

On being transferred, the respondent appeared in an examination conducted for promotion to the next higher post. He secured adequate marks and ranking. However, his name did not figure in the panel, on the ground that a moratorium or ban was operative against him from the date of transfer. Aggrieved by that, the respondent filed the writ petition. Learned single Judge took the view that there was no basis for imposing the condition, that too on effecting transfer, 15 years, after the request; and the so-called policy does not stipulate absolute ban.

We have gone through the entire record, including the so-called policy which the appellants are operating.

It is a matter of record that the respondent



made his request way back in the year 1995 for transfer. However, it was only in the year 2015, that the transfer was made. It is not the case of the appellants that such transfers are not permissible in the routine course or that the transfer of the respondent has affected the seniority of other incumbents in the Muzaffarpur Circle. Even where transfers of this nature are made, the only disadvantage which a candidate would suffer is that he would take the seniority after the junior most candidate in the transferred place. Even this happens, when the units of appointment are different, but not when the unit of appointment is the same. The appellants are not clear as to whether the Arrah Circle and the Muzaffarpur Circle are separate units of appointment.

From the language of the policy contained in paragraph-7(d), it is not clear that any ban as such against promotion is imposed. What was debarred was only officiating. By no means, the promotion can be equated to officiating. Viewed from any angle, we do not find any reason to interfere with the order passed by the learned single Judge.

Appeal is dismissed.

Interlocutory application, if any, stands disposed of.

There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(Anjana Mishra, J)

K.C.jha/-

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