

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3028 of 2014

In

Civil Writ Jurisdiction Case No. 15117 of 2012

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Pankaj Kumar, Senior Manager, Punjab National Bank, F I Back Office, R
Block Chankya Place, Patna - 800001 District - Patna.

.... Petitioner/s

Versus

1. Union of India.
2. Mr. K.R. Kamath, The Chairman-cum-Managing Director, Punjab National Bank, Head Office, at Bhikhaji Cama Place, New Delhi.
3. Mr. S K Goyal , the General Manager Punjab National Bank, HRDD, Head Office New Delhi.
4. Mr. B P Ray, the General Manager Punjab National Bank, PAD, Head Office New Delhi.
5. Mr. A.C. Chug, the Appellate Authority of RTI, Punjab National Bank, Rajendra Place New Delhi.
6. Mr. A.K. Chug, the Central Public Information Officer, Punjab National Bank, Rajendra Place, New Delhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms. Nivedita Nirvikar
For the Opp. Party : Mr. Prashat Vedasen
Mr. S.C. Bose

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

6 28-01-2015 1. This is an application seeking initiation of contempt proceeding against the opposite parties for deliberate violation of this Court's order dated 21.01.2014 passed in C.W.J.C. No. 15117 of 2014. By the said order, the matter was remanded to the Appellate Authority i.e. the General Manger, Punjab National Bank, H.R.D. Division, New Delhi, with a direction to consider the petitioner's claim, inter alia, as regards the marks awarded to him in Interview as also his claim with regard to lack of his branch

experience for the purpose of consideration of his case for promotion to Grade IV from Grade III.

2. Pursuant to the said order of this Court dated 21.01.2014, the General Manager, Punjab National Bank, H.R.D. Division, New Delhi, (the Appellate Authority) has passed the order dated 05.06.2014, which has been communicated to the petitioner vide letter dated 19.05.2014 and has been brought on record by way of Annexure-3 to the writ application. The petitioner's appeal has been rejected by the said order dated 05.06.2014.

3. It is the submission made on behalf of the petitioner that the Appellate Authority acted in defiance of this Court's order and did not comply the order in its true perspective. Ms. Nivedita Nirvikar, learned counsel for the Petitioner submits that by virtue of this Court's order, the Appellate Authority was required to consider the petitioner's claim with regard to his branch experience for the purpose of his promotion to Grade IV to Grade III in accordance with extant policy of the Bank, which he failed to do.

4. I am of the opinion that the legality of the order passed in compliance of the order of this Court cannot be tested in a contempt proceeding unless it is shown that it is in breach of the

Court's order. In my opinion, no prima facie case of deliberate violation of this Court's order has been made out.

5. This application is accordingly dismissed.

6. It goes without saying that the petitioner shall have liberty to approach appropriate forum questioning the validity of the order dated 05.06.2014 (Annexure-3).

(Chakradhari Sharan Singh, J.)

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