

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16432 of 2014

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Dinesh Sharma S/o Late Ram Lakhan Singh, resident of village - Mahmatpur P.S. - Kako, Distt.- Jehanabad at present residing in Mohalla - Sanjay Gandhi Nagar Road No. -1, House No. - 23, Hanuman Nagar P.S. - Patrakarnagar Distt. - Patna.

.... Petitioner/s

Versus

1. The Madhya Bihar Gramin Bank through it's Chairman, Head Office - Meena Plaza South of Museum P.S. Kotwali Town and Distt. - Patna.
2. The Chairman Madhya Bihar Gramin Bank Head Office - Meena Plaza South of Museum P.S. Kotwali Town and Distt. - Patna.
3. The General Manager, Human Resources Development Department, Madhya Bihar Gramin Bank Head Office - Meena Plaza South of Museum P.S. - Kotwali, Town and Distt. - Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nandan Prasad Singh, Shashank Kr. Singh and Manish Singh, Advs.

For the Respondent/s : Mr. Mahesh Narayan Parbat
Mr. Sarvadeo Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 08-01-2015 Heard the parties.

In this case, the petitioner is claiming that he has wrongly been deprived of the promotion to the officer scale-IV.

The petitioner is working in the Madhya Bihar Gramin Bank in the officer scale-III and claim has been made that he should have been promoted in the officer scale-IV. Before the promotion, a departmental proceeding was initiated against him and by that time, the process of promotion was started. The case of the petitioner was also taken into consideration and the same was

kept under the sealed cover, as the departmental proceeding was pending against him. After the closure of the departmental proceeding, the sealed cover was opened and he was found not selected for promotion on the ground that he was awarded the punishment of censure.

The counsel for the petitioner submits that punishment of censure cannot be a ground for withholding the promotion to the petitioner to the post of officer scale-IV and relying on a Circular dated 3rd December 1999 where it has been mentioned that the reprimand at single instance cannot be a sufficient ground for denial of promotion. Further it is said that during the service period deficiency is observed in the working or conduct of any member of the staff that should be promptly pointed out to him or her in writing with a view to affording him or her an opportunity to clarify/explain the position/improve his performance. Any adverse action such as denial of promotion should be taken only after considering representation if any filed. The censure is quite different to the reprimand that has been dealt. The said letter does not whisper about the punishment of censure and as such the said letter is of no avail to the petitioner.

Here after the proper enquiry, the petitioner was visited with the punishment of censure and on that ground the

petitioner has been deprived of the promotion though his case was considered for promotion and the same was kept under the sealed cover.

This Court at this juncture does not feel inclined to pass any order in favour of the petitioner. Accordingly, this petition is dismissed. However, if the petitioner files an appeal and the Appellate Authority passes any order in favour of the petitioner, in that circumstance, the petitioner will have liberty to raise his grievance before the appropriate authority.

(Shivaji Pandey, J)

Mahesh/-

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