

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&**

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

RP.No. 396 of 2015 () IN WA.614/2010

**AGAINST THE ORDER/JUDGMENT IN WA 614/2010 of HIGH COURT OF KERALA DATED
17/11/2014**

REVIEW PETITIONER(S)/APPELLANT:

**K.GOPINATHANAN
MANAGER (STAFF NO.18)
SOUTH MALABAR GRAMIN BANK EDARIKODE BRANCH
MALAPPURAM DISTRICT.**

BY ADV. K.GOPINATHANAN [PARTY IN PERSON]

RESPONDENT(S)/RESPONDENTS:

- 1. KERALA GRAMIN BANK
FORMERLY SOUTH MALABAR GRAMIN BANK
HEAD OFFICE MALAPPURAM
PIN-676 505 REPRESENTED BY ITS CHAIRMAN**
- 2. THE CHIEF OFFICER
RESERVE BANK OF INDIA, R.P.C.D, MUMBAI. (DELETED)**
- 3. THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF BANKING
MINISTRY OF FINANCE GOVERNMENT OF INDIA, NEW DELHI.**
- 4. JOSEPH MATHEW (STAFF NO.23)
AREA MANAGER, SOUTH MALABAR GRAMIN BANK, AREA OFFICE
TIRUR.**
- 5. P.J. SADANANDAN (STAFF NO.21)
SENIOR MANAGER, SOUTH MALABAR GRAMIN BANK, HEAD OFFICE
MALAPPURAM.**

**R1 BY ADV. SRI.DEVAN RAMACHANDRAN, SC
R1 BY ADV. SRI.K.M.ANEESH
R1 BY ADV. SRI.K.SANTHOSH KUMAR (KALIYANAM)
R1 BY ADV. SRI.ADARSH KUMAR
R1 BY ADV. SRI.BIJU VARGHESE ABRAHAM
R1 BY ADV. SRI.DILEEP CHANDRAN
R3 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL**

**THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 16-09-2015, THE
COURT ON 05-10-2015 PASSED THE FOLLOWING:**

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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R.P.No.396 of 2015

in

W.A. No. 614 of 2010

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Dated this, the 5th day of October, 2015

O R D E R

Shaffique, J.

The review petition is filed by the appellant in WA No. 614/2010 seeking to review the judgment dated 17/11/2014. By the impugned judgment, this Division Bench dismissed the appeal filed by the review petitioner confirming the judgment of the learned Single Judge.

2. The claim of the appellant who was the writ petitioner was that he being the Area Manager/Senior Manager of the 1st respondent Bank ought to have been redesignated as Scale III Officer. The learned Single Judge observed that the petitioner was redesignated as Scale II Officer pursuant to an award of the National Industrial Tribunal and since he was considered for promotion to Scale III Officer post in which he did not succeed, he had no legal right to demand that he should be placed as Scale III

Officer.

3. Though the review petitioner relied upon various judgments of the Supreme Court to contend that once he had been promoted as Area Manager, there was no reason to transfer him as Manager and therefore, there was no necessity for conducting a fresh selection for Scale III Post and all persons in the Area Manager post ought to have been redesignated as Scale III Officers, on facts, we have found that the cadre of Scale III Officers were created only as per letter dated 19/9/2001 of the sponsor Bank. As per the award passed by the National Industrial Tribunal, the post of Area Manager/Senior Manager was treated as equivalent to Scale II post of the sponsor Bank and when Scale III cadre was created, necessary selection process was conducted from persons among Scale II post and since the petitioner did not succeed, he was not entitled for any relief as sought for.

4. In the review petition, petitioner contends that there is error apparent on the face of record as the relevant clauses in Exts.R1(a), R1(b) and R1(c) were not properly considered. In fact, Ext.R1(a) is a communication issued by NABARD to all sponsor

-:3:-

Banks regarding the recruitment and promotion policy wherein it was clarified that the posts of Area Manager/Senior Manager and other officers Scale II in branches are interchangeable and placement can be effected according to exigencies of service. Further it was mentioned that the total number of Scale II posts in RRBs should be equal to the total Scale II branches plus the prescribed number of Area Managers/Senior Managers in administrative offices. The contention urged is that Exts.R1(a), R1(b) and R1(c) were issued to protect the interest of Area Managers who were working in an emerging institution and therefore, this Court had misinterpreted the said documents. According to the petitioner, Ext.R1(c) has become obsolete after due categorization of Area Manager/Senior Manager post as Scale III.

5. In fact, the contention urged by the petitioner had been considered by this Court after referring to the averments made in the counter affidavit. We have clearly indicated that in terms of NABARD's letter dated 17/9/1994, Scale II Officers were interchangeable. We have also indicated that in 2001

R.P.No.396 of 2015
in
W.A. No. 614 of 2010

-:4:-

Government of India permitted RRBs to create Scale III posts for heading Area Offices, Head Office Sections and large branches. In June, 2002, 17 Scale II officers were promoted to Scale III cadre to head 7 Area Offices, 7 Head Office Sections and 3 large branches. Under such circumstances, the petitioner who had participated in the selection process and became unsuccessful had to continue as Branch Manager of a medium Branch.

In the light of the aforesaid finding of ours, we do not think that any of the contentions urged on behalf of either side were omitted to be considered. We do not find any error apparent on the face of record which warrants interference in a review petition as the review is not intended for a rehearing of the appeal. Hence, there being no merits, this review petition is dismissed.

Sd/-
ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE, JUDGE

Rp

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PS to Judge