

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

WP(C).No. 28372 of 2015 (V)

PETITIONER(S):

**VENKITACHALAM S.R, AGED 62 YEARS
SON OF A.V.SUBRAMANIAM, RAGAM, HOUSE NO.9/778
CHEROOR, THRISSUR-780 008.**

**BY ADVS.SRI.B.ASHOK SHENOY
SRI.K.V.GEORGE
SRI.P.N.RAJAGOPALAN NAIR
SRI.P.S.GIREESH
SRI.RIYAL DEVASSY**

RESPONDENT(S):

**INDIAN OVERSEAS BANK
REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR
CENTRAL OFFICE, P.B.NO.3765, 763 ANNA SALAI
CHENNAI-600 002.**

R1 BY ADV. SRI.SUNIL SHANKAR, SC, INDIAN OVERSEAS BANK

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1- TRUE COPY OF INTERVIEW CALL LETTER DATED 5.6.2012
ISSUED BY THE GENERAL MANAGER OF RESPONDENT TO
PETITIONER.
- EXT.P2- TRUE COPY OF LETTER DATED 20.6.2012 ISSUED BY THE
RESPONDENT TO THE PETITIONER.
- EXT.P3- TRUE COPY OF THE LETTER DATED 20.8.2014 SUBMITTED BY
THE PETITIONER TO THE RESPONDENT.
- EXT.P4- TRUE COPY LETTER DATED 22.9.2014 ISSUED BY THE DEPUTY
GENERAL MANAGER & CENTRAL PUBLIC INFORMATION
OFFICER OF RESPONDENT TO THE PETITIONER.
- EXT.P5- TRUE COPY OF THE APPELLATE ORDER NO.132 OF 2014-15
DATED 21.11.2014 ISSUED BY GENERAL MANAGER &
APPELLATE AUTHORITY OF RESPONDENT TO PETITIONER.
- EXT.P6- TRUE COPY OF THE REPRESENTATION DATED 1.8.2015 ISSUED
BY PETITIONER TO CHAIRMAN AND MANAGING DIRECTOR OF
RESPONDENT.
- EXT.P7- TRUE COPY OF THE POSTAL ACKNOWLEDGMENT CARD
SIGNED BY THE RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

// TRUE COPY //

PA TO JUDGE

SB

K. VINOD CHANDRAN, J.

=====

W.P.(C) No.28372 of 2015 - V

=====

Dated this the 30th day of September, 2015

J U D G M E N T

The petitioner retired from the service of the respondent Bank on 31.12.2012. The petitioner filed a representation Ext.P6 before the 1st respondent seeking monetary benefits including salary and allowances payable for the period from 01.07.2012 to 31.12.2012, on account of a promotion, which according to him is legitimately due to him,. The said representation is dated 01.08.2015.

2. This Court is not inclined to accept the contention of the petitioner, though the prayer made is an innocuous one of consideration of a representation. The petitioner seeks promotion from 01.07.2012 when he was in service. The

contention raised by the petitioner is that though he was eligible for the promotion, no list was published and he was not aware of the decisions taken. The petitioner admittedly retired on 31.12.2012. If the petitioner had a contention that no list was published, then the petitioner should have immediately approached this Court. The petitioner's contention is that it was only later in the year 2014, he was informed that juniors to himself was promoted.

3. In fact the promotion said to have been made is of a junior, on 01.07.2012, when the petitioner was in service. He should have immediately taken up the contention and he cannot contend that he was not aware of such promotion, when he himself was in service at that point of time. The petitioner has chosen to file the above writ petition three years after retirement, contending that the petitioner ought to have been promoted and he is entitled to the benefits on such promotion.

In such circumstance, this Court is of the opinion that the said claim cannot be entertained at this distance of time for reason only of delay, the writ petition would stand dismissed in limine.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB/ 05 /10 /2015

// true copy //

P.A to Judge.