

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.39535 OF 2012

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DATED: 12.03.2015
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Between:

M. Anjaneyulu

.. Petitioner

And

Krishna District Co-op. Central Bank Limited
Rep. by its Chief Executive Officer,
Machilipatnam, Krishna District and others.

.. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.39535 of 2012

ORDER:

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This writ petition was filed by a Manager working in the Krishna District Co-operative Central Bank Limited at Pedana, Krishna District. His prayer was to declare the seniority list dated 30.09.2012 issued by the said bank basing on the resolution dated 29.09.2012 passed by the President of the bank pursuant to the recommendations of the Chairman, HRD Committee of the bank, as illegal and to consequently set it aside.

By order dated 24.12.2012, this Court granted interim suspension of the impugned seniority list.

Copy of the impugned seniority list filed along with the writ petition is incomplete as only the list of 46 Managers is shown therein without the covering letter of the bank.

Sri M. Subba Reddy, learned counsel appearing for the Chairman, HRD Committee of the bank, and Smt. Bobba Vijaya Lakshmi, learned counsel appearing for the 4th respondent, stated on the basis of their counter-affidavits that the impugned seniority list was only a provisional

seniority list and that the bank had invited objections thereto from the interested parties. Both of them further stated that the writ petitioner himself submitted his objections to the said list on 13.12.2012 and having done so, he approached this Court by way of the present writ petition and obtained suspension without disclosing the full facts.

It is relevant to note that the 4th respondent in his counter-affidavit specifically stated that the petitioner had submitted his objections to the impugned provisional seniority list on 13.12.2012 which was received by the bank on 14.12.2012. This statement in the counter-affidavit has not been rebutted by the petitioner by way of a reply. However, perusal of the writ affidavit shows that the petitioner did not disclose this aspect though the writ petition was filed on 21.12.2012. This writ petition is therefore clearly an abuse of the process of this Court as the petitioner stalled the finalization of the seniority list, by approaching this Court with unclean hands as is evident from the affidavit wherein he did not disclose the full facts.

As the petitioner has already submitted his objections to the impugned provisional seniority list, it is for the bank to consider the same along with any other objections received and thereafter take steps for finalising the seniority list. The order of suspension passed by this Court was therefore not warranted at all on the facts of this case and is accordingly vacated.

The writ petition is devoid of merit apart from being an abuse of process and is accordingly dismissed with costs of Rs.500/- (Rupees Five Hundred only) payable to the Andhra Pradesh State Legal Services Authority within two weeks from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall also stand dismissed.

JUSTICE SANJAY KUMAR

12th March, 2015
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