

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.3805 of 2009

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22.07.2015

Between:

Andhra Pragathi Grameena Bank Employees'
Association, Kadapa ...**Petitioner**

And

The Andhra Pragathi Grameena Bank, Kadapa
...**Respondent**

Counsel for the petitioner: Mr.P.Venkata Rama Sarma
for Dr.P.B.Vijaya Kumar

Counsel for the respondent: Ms.V.Uma
Devi for Fisheries

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The Court made the following:

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ORDER:

The employees' association of Andhra Pragathi Grameena Bank represented by its General Secretary, filed this writ petition for a *mandamus* to declare the action of the respondent in conducting promotions to different cadres in terms of Circular No.14-2009-BC-STF, dated 23.01.2009, as arbitrary and illegal. The petitioner sought for a consequential direction to the respondent to fix the cadre strength in terms of pre-existing norms and process the promotions for the vacancies occurring as on 31.03.2008 without reference to Dr.Y.S.P.Thorat norms.

I have heard Mr.P.Venkata Rama Sarma, learned counsel representing Dr.P.B.Vijaya Kumar, learned counsel for the petitioner and Ms.V.Uma Devi, learned counsel for the respondent.

The respondent is a Regional Rural Bank operating under the provisions of Regional Rural Banks Act, 1976. The petitioner is an association of employees of the respondent bank. It has pleaded that the promotions in the respondent bank are regulated by the Regional Rural Banks (Appointment and Promotion of Officers and other Employees) Rules, 1998 and the cadre strength is being decided by the norms, that staffing pattern was being decided on Agarwal Committee's report with regard to categorization of branches and staffing pattern, as per which, many vacancies are available for due promotion. That Government of India appointed one man committee headed by Dr.Y.S.P.Thorat for suggesting manpower norms in regional rural banks, which suggested a revised pattern with increased higher business level and that thereby, vacancies have been slashed and the Thorat committee's report has been approved by the

Government of India with effect from 12.09.2008 with a direction to the regional rural banks to adopt the same.

The petitioner further pleaded that the impugned circular issued by the Government of India adopting Thorat committee norms is sought to be given retrospective effect, as a result of which, promotion of existing employees is severely affected and the attender cadre employees are completely denied further promotions. It is the further pleaded case of the petitioner that even though several vacancies are available, by adopting 31.03.2008 as the date for assessing the vacancies instead of adopting the date immediately preceding the date of communication of acceptance of Thorat committee's report, serious hardship is being caused to the members of the petitioner association.

On behalf of the respondent bank, its Chairman filed a counter-affidavit. It is, *inter alia*, stated therein that National Bank for Agricultural and Rural Development (NABARD), *vide* its letter, dated 12.09.2008, communicated the recommendations of Dr.Y.S.P.Thorat on comprehensive human resource policy for regional rural banks, that through another letter, dated 29.10.2008, NABARD clarified some of the aspects pertaining to the Thorat committee's recommendations and as per the said clarification, the banks can carry on the recruitment/promotion process as per the existing Appointment and Promotion Rules, 1998 and till such time, they are amended/revised/superseded by the new set of rules as recommended by the Thorat committee. That the said letter also clarified that the categorization of the branches shall be taken up as on 31st March of previous financial year during which the categorization is taken up and that for the current year exercise, the status of business level and number of branches should be taken based on the position as on 31.03.2008. The counter-affidavit has thus justified taking 31.03.2008 as the date for assessing the status of business level and

number of vacancies required for being filled up.

The learned counsel for the petitioner placed reliance on the judgment of the Supreme Court in **Y.V.Rangaiah vs. J.Sreenivasa Rao**^[1] in support of his submission that vacancies arising prior to coming into force of new rules must be filled up by following the old rules.

I have carefully gone through the aforesaid judgment. In the said case, the Supreme Court held that as per the old rules, a panel had to be prepared every year in September, that accordingly, a panel should have been prepared in the year 1976 and that transfer or promotion to the post of Sub-Registrar Grade II should have been made out of that panel. It was further held that if that procedure was followed, the petitioners therein who ranked higher than respondent Nos.3 to 15 therein would not have been deprived of their right of being considered for promotion and that the vacancies which occurred prior to the amended rules would be governed by the old rules and not by the amended rules. I am unable to see how the said judgment applies to the facts of the present case. It is not the pleaded case of the respondent bank that it has changed the rules. While appointments/promotions are being effected by the same rules which have been in existence, while assessing the vacancies *qua* the business position of the branches of the respondent bank, 31.03.2008 was taken as the date for making such assessment. Even assuming that certain vacancies have arisen between 31.03.2008 and 12.09.2008, the date on which Thorat committee's report was accepted, no right came to be vested in the members of the petitioner association to insist that all those vacancies must be filled up. As the very purpose of constituting Thorat committee and adopting its report appears to be to rationalize the vacancies obviously to cut down on the expenditure of the rural banks, this purpose would be rendered futile if

all the vacancies are filled up without regard to their utility and desirability of filling of those vacancies. In this view of the matter, I do not find any illegality in the decision of the respondent bank taken based on the recommendations of NABARD to fill up the vacancies existing as on 31.03.2008.

For the aforementioned reasons, the Writ Petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No.4959 of 2009 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

22nd July, 2015
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[\[1\]](#) (1983) 3 SCC 284