

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.461 of 2016

IN

LPA 397 of 2007

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Sunil Kumar Shriwastava, Son of late Amleshwar Prasad, resident of Village- Rafipur, Police Station- Hussain Ganj, District- Siwan. At present posted as Branch Manager, Uttar Bihar Gramin Bank, Mahamda Branch, District- Chapra.

.... Petitioner

Versus

1. The Uttar Bihar Gramin Bank through its Chairman Sri Indra Mohan Utreja, Head office, Kalambagh Chauk, Muzaffarpur.
2. Sri Indra Mohan Utreja, the Chairman of Uttar Bihar Gramin Bank, Kalambagh Chauk, Muzaffarpur.
3. Sri Motilal Prasad Scale-I Officer, Uttar Bihar Gramin Bank, Muzaffarpur.
4. Sri Amrendra Kumar Arun, Scalre-II Officer, Uttar Bihar Gramin Bank, Muzaffarpur.
5. Sri Shiv Shankar Prasad Yadav, Scale-I officer, Uttar Bihar Gramin Bank, Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Gyan Prakash, Advocate

For the Respondent/s : Mr. Prabhakar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

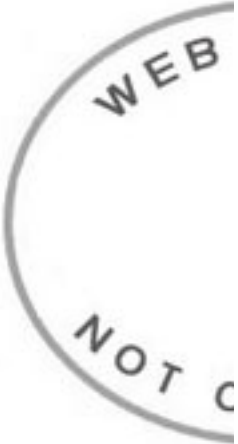
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 06-05-2016

Heard learned counsel for petitioner and
learned counsel for the Uttar Bihar Gramin Bank,
Muzaffarpur.

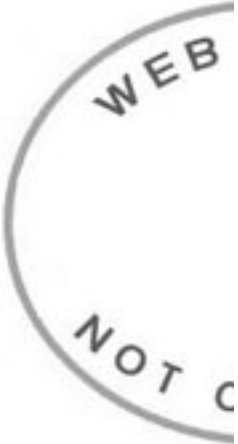
2. Pursuant to our detail order dated
30.03.2016, a show cause has been filed by the Uttar Bihar



Gramin Bank and its Chairman. In the order aforesaid, we had noted that while wrongly depriving the petitioner of his legitimate promotion, his juniors were given two consecutive promotions after the judgment passed in Letters Patent Appeal No. 397/2007 which was disposed of on 13.07.2015. When nothing was done this Contempt Proceeding was filed.

3. The first show cause was filed after one year of the disposal of the Letters Patent Appeal granting petitioner the first promotion to Class-I w.e.f. 30th January, 2003, but still in between, juniors were granted further promotion to Class-II, which the petitioner was being deprived. Hence, after detailed order dated 30.03.2016, now in the show cause, they have stated that the petitioner Sunil Kumar Srivastava would be entitled to be promoted to Officer Class-II w.e.f. 05.11.2012.

4. The facts noted above show two things. Firstly, the petitioner was wrongly deprived of a promotion which was due to him in the year 2003 which was only granted to him in the year 2016, after 13 years. Then, in spite of the judgment of this Court dated 13.07.2015, they have dragged their feet till virtually notices of contempt was

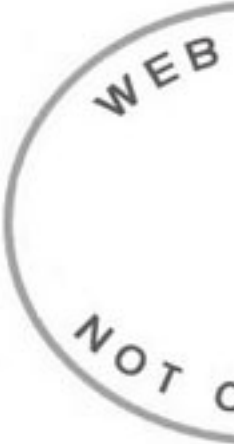


issued to grant the first promotion to the petitioner and then on being held guilty of contempt to purge the same, now they have granted second promotion, that too from the date, which would be 05.11.2012, as mentioned in the order of Regional Manager itself. Thus, it would be seen that the Bank had deliberately delayed the matter in granting benefit of the judgment, and fruits thereof to the petitioner, for almost a year and it is only on threat of contempt that they have complied.

5. Learned counsel for the petitioner, in our view, rightly prays that, in these circumstances, it would be appropriate for this Court to order that at least from the date of judgment of this Court in Letters Patent Appeal which has now been complied after one year after the Contempt Proceedings were initiated, petitioner would be entitled to full remuneration of the said post.

6. On the other hand, learned counsel for the Uttar Bihar Gramin Bank draws our attention to the order passed in the Letters Patent Appeal, wherein we had stated that, the petitioner would get promotion that were due, but would not get remuneration.

7. We have considered the matter in view of



the judgment in the Letters Patent Appeal. Certainly the petitioner could not be entitled to any remuneration for the promotional post to which he was wrongly deprived, but certainly, as the Bank had slept over the judgment and implemented the same in parts only after contempt proceedings were initiated, they cannot surely say that because they slept, though the Bank slept over the matter, and had to be reminded by this Court in this Contempt Proceedings, the right of the petitioner is lost. He ought to have been granted the promotion immediately on the judgment being delivered, and the Bank having failed to do so, has to now compensate for the delay caused by the Bank itself.

8. Thus, we direct that from the date of judgment of this Court being 13.07.2015, petitioner would be entitled to full remuneration as Officer Class-II as the Bank itself has granted him promotion to that Scale w.e.f. 05.11.2012.

9. Before closing, we would like to note another disturbing fact which learned counsel for the petitioner points out that, other persons who are also parties to the Letters Patent Appeal but who did not gather enough

courage to move this Court in Contempt against the Bank, have not yet got the fruits of the judgment. Learned counsel for the Bank states that, as they have not moved in Contempt they would not get the benefits of the judgment. Preposterous proposition. The Uttar Bihar Gramin Bank is cautioned for the moment.

10. This application, thus, stands disposed of. Uttar Bihar Gramin Bank is directed to comply with the orders of this Court within a period of one month.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Rajeev/A.F.R.

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