

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13945 of 2015

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Arun Kumar Sinha S/o Late Ganesh Kumar Sinha R/o Flat No - A/401, Sumit Enclave , Near Rupaspur Canal Bridge, PS - Rupaspur, Patna - 800001.

.... Petitioner/s

Versus

1. The Union of India through its Finance Minister, South Block New Delhi.
2. The State Bank of India through its General Manager, Local Head Office, West Gandhi Maidan, Patna 800001.
3. The Assistant General Manager, the State Bank of India Local Head Office, West Gandhi Maidan, Patna - 800001.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shankar Ganguli
Mr. Dharmesh Kumar Shrivastava

For the Respondent Bank: Mr. Sanjiv Kumar

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 21-07-2016

Heard counsel for the petitioner and the counsel for the Bank.

2. The relief which has been asked for by the petitioner is speculative and the prayer made herein for grant of interest over the salary paid to him between 01.11.1995 and 30.03.2009 is basically an effort to earn a few dollars more after retirement.

3. So far as expectation and grant of promotion to MMGS-IV is concerned, the reason for non-grant of promotion to the petitioner emerges from the counter affidavit, which is attributable to his conduct.

4. Petitioner superannuated in the year 2012. He filed the present writ application on 02.09.2015, well after he started leading a retired life and after settlement of all retiral dues, looking for certain gain of monetary kind which was seriously contested by the respondent State Bank of India in the stand taken in the counter affidavit.



5. Fairness on the part of the State Bank of India emerges from the fact that promotion was granted to the petitioner, which was kept in a sealed cover because of a proceeding pending against him, got lost or misplaced in course of shifting of the headquarters. When this discovery was made and when it was found that the departmental proceeding, which was contemplated, came to rest that the authorities very fairly decided to grant him not only the benefit of promotion but even the salary for the period in question. One of the prayers of the petitioner now is to grant interest on payment of salary.

6. The Court is not inclined to pass any order on that prayer of the petitioner for the reason that the petitioner did not raise any objection when promotion was granted and even monetary benefit was paid to him while he was very much in service and, that too, in the year 2009 itself.

7. The other aspect of the matter with regard to promotion of the petitioner to Grade-IV is concerned, respondents in the counter affidavit have stated that the next level of promotion was available to the petitioner; he was given an opening but he chose not to participate in the process and, therefore, it was his voluntary decision not to accept any promotion which was contemplated by following the process and now after retirement he makes out a case that since he was also given higher responsibility while he was in service, he should be directly promoted to Grade-IV.

8. The other submissions and expectations of the petitioner are not based on any law and as such it is only an effort to earn a few rupees more after retirement which this Court is not willing to grant in his favour. In fact, there is inactivity on the part of the petitioner in asserting his right all along and laches is writ large across the board.

9. In the totality, therefore, no relief of the kind which the petitioner

is looking for as an after-thought can be extended to him.

10. Writ application is dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	23/07/2016
Transmission Date	