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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 356 of 2014**

- S.L.Hardel S/o Milap Singh Hardel Aged About 50 Years
Deposit Mobilization Officer (Amanat Vikas Adhikari), Jila
Sahakari Kendriya Bank Maryadit, Raipur (C.G.), R/o
Housing Board Colony, Khamhardih, Police Station- Civil
Line, Raipur, Civil & Revenue Distt Raipur, (C.G.)

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through Chief Secretary,
Mahanadi Bhawan, Mantralaya, Naya Raipur, Distt
Raipur, (C.G.)
2. Chairman Zila Sahakari Kendriya Bank Maryadit, Raipur,
Distt Raipur, (C.G.)
3. Chief Executive Officer, Zila Sahakari Kendriya Bank
Maryadit, Raipur, Distt Raipur, (C.G.)

---- Respondents**And****WPS No. 357 Of 2014**

- L.N.Sharma S/o R.S.Sharma Aged About 51 Years
Additional Marketing Officer, Jila Sahakari Kendriya Bank
Maryadit, Raipur, R/o Dangania, PS D.D.Nagar, Raipur,
Civil & Revenue Distt Raipur, Cg

---- Petitioner**Vs**

1. State Of Chhattisgarh, Through Chief Secretary,
Mahanadi Bhawan, Mantralaya, Naya Raipur, Distt
Raipur, (C.G.)
2. Chairman Zila Sahakari Kendriya Bank Maryadit, Raipur,
Distt Raipur, (C.G.)
3. Chief Executive Officer, Zila Sahakari Kendriya Bank
Maryadit, Raipur, Distt Raipur, (C.G.)

---- Respondents

For Petitioners : Shri Rahul Birtharey, Advocate.

For Respondent No 1. : Shri Varun Sharma, PL.

For Respondents No. 2 & 3 : Shri Durgesh Goyal, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****05/01/2016**

(1) These writ petitions are heard analogously and being decided by this common order as common question of fact & law is involved in both the writ petitions.

(2) The petitioners herein namely S.R. Hardel & L.N. Sharma were promoted by Zila Sahkari Kendriya Bank Maryadit, Raipur, respondent No. 3 herein on the post of Additional Marketing Officer by order dated 20.07.2004. Their orders of promotion were cancelled and they were reverted back by order dated 10.05.2006 passed by respondent No. 3/Bank. They preferred writ petitions there-against before this Court bearing Writ Petition Nos. 1321/2008 & 3148/2006.

(3) The above writ petitions were allowed by this Court by order dated 28.10.2010 in W.P. (S) No. 3094 of 2006 and other connected cases without any consequential benefits

granting liberty to respondent No. 3 herein to proceed in accordance with law, if so advised. Thereafter, by order dated 10.1.2011, respondent No. 3 accepted joining of the petitioners on the post of Additional Marketing Officer with effect from 10.05.2006 i.e. date of their reversion. Thereafter, petitioners preferred representation claiming arrears of salary from 10.5.2006 to 09.1.2011. These representations were rejected by respondent No. 3 by order dated 14.10.2011 holding that there is no order by this Court granting consequential benefits for the said period.

(4) The order dated 14th October, 2011 was questioned before this Court in W.P. (S) No.2844/2013 & W.P. (S) No.2846/2013 by the petitioners herein. These writ petitions were disposed of by this Court by order dated 13.09.2013 directing the respondents No. 2 & 3 to consider the case of the petitioners herein and take appropriate decision on the petitioners' claim for grant of arrears subsequent upon pay fixation.

(5) By order dated 15.01.2014, the aforesaid representations have been rejected by respondent No. 3- Bank holding that petitioners worked on their original post from 10.5.2006 to 9.1.2011 and, therefore, they are not entitled for the arrears of salary for the said period.

(6) Now, these writ petitions have been filed by the petitioners herein claiming that they are entitled for arrears of salary from 10.5.2006 to 9.1.2011 and the order dated 15.01.2014 rejecting their representations is bad and unsustainable in law.

(7) Returns have been filed by the respondents herein opposing said reliefs holding that they are not entitled for such reliefs as claimed in the writ petitions.

(8) Shri Rahul Birthhary, learned counsel appearing for the petitioners would submit that the respondent No. 3/Bank has granted seniority to the petitioners with effect from 20.07.2004 and, as such, they have been wrongly denied promotional benefits, which has been directed by this Court by order dated 28.10.2010 passed in Writ Petition No.3094/2006 and other connected matters and, therefore, they are entitled for arrears of salary with effect from 10.5.2006 to 9.1.2011.

(9) On the other other hand, learned counsel appearing for the respondents submits that this Court while allowing writ petitions filed by the petitioners i.e. W.P. (S) No.3148/2006 & 1321/2008, respectively did not grant any consequential benefits to the petitioners and, therefore, they are not entitled for any consequential benefits. They further submits that the order dated 10.01.2011 passed by respondent No. 3/Bank clearly indicates that petitioners' joining have been accepted

and they were allowed to work on the promoted post with effect from 10.5.2006 notionally and the order dated 10.01.2011 has not been challenged by the petitioners herein and, therefore, they are entitled for any benefits.

(10) I have heard learned counsel appearing for the petitioners and also considered their rival submissions made herein and gone through the records with utmost circumspection.

(11) It is not in dispute that the petitioners were promoted by order dated 20.7.2004 on the post of Additional Marketing Officer, which was cancelled by respondent No. 3 by its order dated 10.05.2006; and the order dated 10.5.2006 passed by respondent No. 3/Bank was set aside by this Court by order dated 28.10.2010 passed in W.P. (S) No. 1321/2008 & 3148/2006 and other connected matters, which states as under:-

“22. For the reasons and analysis mentioned hereinabove, the impugned order dated 10.5.2006 (in all the writ petitions) are quashed. Consequently, all the writ petitions are allowed to the extent, indicated above.

23. However, on the request of learned counsel appearing for the respondent-Bank, it is open to the respondent-Bank to take appropriate action, in accordance with law, if so advised.”

(12) Though, writ petitioner – Sewak Ram Hardel claimed consequential benefits in the writ petition originally filed i.e. W.P. (S) No.1321/2008 but this Court, in its order dated 28.10.2010, did not grant any consequential benefits to the petitioners herein and allowed the writ petitions making it open to the respondent -Bank to take appropriate action, in accordance with law, if so advised. Apart from this, in compliance of the order dated 28.10.2010 the respondent No. 3-Bank given the benefit of notional promotion only with effect from 10.5.2006 by its order dated 10.1.2011, which was not challenged by the petitioners herein and, as such, the order dated 10.1.2011 passed by respondent No. 3/Bank has become final.

(13) Thereafter, respondent No. 3/Bank considered the cases of the petitioners and has clearly held by order dated 14.10.2011 that no such order has been passed by this Court granting arrears of salary to the petitioners and, therefore, petitioners are not entitled for arrears from 10.5.2006 to 09.01.2011.

(14) Now, by the impugned order dated 15.01.2014 (Annexure P-12), the respondent No. 3/Bank has even held that since the petitioners worked on their original post from 10.5.2006 to 9.1.2011, therefore, they are not entitled for the

arrears of salary for the said period.

(15) Fact remains that this Court in its order dated 28.10.2010 passed in W.P. (S) No. 1321/2008 & 3148/2006, respectively did not grant any consequential benefits particularly the arrears of salary of promoted post; on the other hand, this Court has granted liberty to the respondent No. 3-Bank to take appropriate steps, in accordance with law, if so advised. Even one of the petitioners namely L.N. Sharma did not specifically claim any consequential benefits in his original writ petition i.e. W.P. No.3148/2006.

(16) Apart from this, in compliance of the order dated 28.10.2010 the respondent No. 3-Bank given the benefit of notional promotion only with effect from 10.5.2006 by its order dated 10.1.2011, which was not challenged by the petitioners herein and, as such, the order dated 10.1.2011 passed by respondent No. 3/Bank has become final. In the considered opinion of this Court, since this Court did not grant any consequential benefits to the petitioners on the promoted post from the date of their reversion till the date of reinstatement and one of the petitioners namely L.N. Sharma did not claim any relief regarding consequential benefits and they have accepted the order dated 10.01.2011 passed by respondent No. 3-Bank without demur and protest and they worked on

their original post from 10.5.2006 to 9.1.2011 for which they have been paid salary and allowance, the writ petitions being devoid of substances are liable to be and are hereby dismissed. No order as to cost (S).

Sd/-

(Sanjay K. Agrawal)
Judge

D/-