

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Appeal No.522 of 2016**

Ratanlal Dhidhi S/o Late Rambhoo Dhidhi, Aged About 56 Years R/o M.I.G.
2/472, Hudco Bhilai, Civil & Revenue Distirct Durg Chhattisgarh

---- Appellant**Versus**

1. Chairman, Durg Rajnandgaon Gramin Bank Rajnandgaon, District Rajnandgaon M.P. New C.G.
2. Board Of Directors, Durg Rajnandgaon Gramin Bank Head Office, Rajnandgaon, Distirct Rajnandgaon M.P. Now C.G.
3. Shri B.B. Patel Ex Chairman Samajikiya Bankling Vibhag, New Presently Posted As Dy General Manager, Dena Bank Head Office, Mumbai Mh
4. Chhattisgarh Rajya Gramin Bank, Through Regional Manager, Rajnandgaon Distirct Rajnandgaon Chhattisgarh

-----Respondents

For Appellant:

Shri Mayank Chandrakar, Advocate

For Respondents/Gramin Bank:

Shri N. Naha Roy, Advocate.

Hon'ble The Chief Justice**Hon'ble Shri Justice Sanjay Agrawal****Order on Board****Per Deepak Gupta, Chief Justice****6/12/2016**

1. This Writ Appeal is directed against the order dated 29.7.2016 passed by the learned Single Judge of this Court in W.P. No.2245 of 1996.

2. Briefly stated, the facts of the case are that Madhya Pradesh Scheduled Caste & Scheduled Tribes Officers and Employees Association and its Secretary filed Writ Petition No.2245/1996 in the High Court of Madhya Pradesh, Jabalpur challenging the order dated 16.6.1996 whereby six persons were promoted as Scale-II Officers in the Durg-Rajnandgaon Gramin Bank. Surprisingly, though the challenge was made to the promotion of six Officers, none of these six Officers were made a party to the Writ Petition.

Not only that, the Petitioners did not claim any benefit for themselves and the Petition was filed on behalf of the Association. In the year 2014, i.e. after 18 years after the Petition has been filed, an amendment was sought and the Appellant herein – Ratanlal Dhidhi was impleaded as the Appellant and the names of the original Petitioners i.e. Madhya Pradesh Scheduled Caste & Scheduled Tribes Officers and Employees Association and the Secretary were deleted. Even then, no steps were taken to implead the persons who had been originally appointed. Therefore, the Petition itself suffers from a serious defect of non joinder of necessary parties.

3. We have been informed that these persons have been promoted further and some of them may have retired also. The Appellant herein is not aggrieved by the first six promotions but his grievance is against the subsequent promotions to two more posts made in the year 1997.

4. There is no explanation as to why the Petitioner kept silent from the year 1997. These promotions were never challenged either by the Association or by the Petitioners. Even the two persons promoted in 1997 have not been made party in the Writ Petition. We cannot pass any order in their absence.

5. We therefore find no merit the Appeal, which is accordingly dismissed.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE

Sd/-
(Sanjay Agrawal)
JUDGE