

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(259)

CWP No. 15350 of 1993 (O&M)
Date of Decision: 15.11.2016

Udham Singh Kalra

.....Petitioner(s)

Versus

Bank of India and Others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. H.C. Arora, Advocate
for the petitioner.

Mr. C.S. Singh, Advocate for
Mr. G.S. Hooda, Advocate
for the respondents.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, the petitioner has sought for the following relief:-

- “(i) Issue a writ in the nature of Certiorari thereby quashing the circular as annexure 2 on the basis of which 3 additional marks deleted by the respondent.
- (ii) Issue a writ in the nature of Certiorari thereby quashing the entire selection made in pursuance of Annexure P/1 & P/2.
- (iii) Issue a writ in the nature of prohibition restraining the respondents for making any appointment in contravention of law and circular annexure P/1 or issue any other appropriate writ, order or direction, which this Hon'ble Court may deem fit under the circumstances of the case.”

2. Name of the petitioner was considered for promotion to the post of Junior Management Grade Scale-I/General Banking Officer Cadre. This Court directed the respondent-Bank to produce relevant records relating to consideration and rejection of the petitioner's name for promotion. No material has been produced and also comparative merit so as to deny promotion to the petitioner. On the contrary, they have submitted by way of affidavit stating as follows in the affidavit, extract of Para 4 reads as under: -

“That the deponent submits that the relevant records of the Bank were kept in the godown which is in the basement of Head Office Premises at Bandra Kurla Complex. That in the year 2005 the relevant record of the case was destroyed due to heavy floods in Mumbai, on 26th July 2005, as water logging had filed in the entire basement area. Therefore, the respondent bank, due to said natural calamity is unable to produce the relevant record of the present case.”

3. For no fault of the petitioner, the petitioner cannot be denied the benefit of promotion merely on the ground that records are not available and the petitioner's claim has been considered and rejected is not sufficient to hold the petitioner's claim for promotion be declined. During pendency of this litigation, the petitioner is stated to have taken voluntarily retirement in the month of December, 2000. Therefore, the respondents are directed to issue a formal promotion order from the date his juniors were promoted. In view of the promotion of the petitioner to the post of Junior Management Grade Scale-I/General Banking Officer Cadre, the petitioner is entitled to pay attached to the post and consequently is entitled for re-fixation of pay and retiral benefits with

reference to pay fixation to the post of Junior Management Grade Scale-I/General Banking Officer Cadre. It is made clear that the petitioner is not entitled to interest on difference of arrears of pay and retiral benefits. The promotion order as well as monetary benefits shall be granted to the petitioner within a period of four months from today.

4. Petition stands allowed to the above extent only.

(P.B. BAJANTHRI)
JUDGE

15.11.2016

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No