

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Date of decision: 30.09.2016

CWP No.1466 of 2000

Ram Kumar Kataria

...Petitioner

Vs.

The Rohtak Central Cooperative Bank Limited & others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Suveer Sheokand, Advocate, for the petitioner.

Mr. C.R.Dahiya, Advocate, for respondents No.1 & 2.

RAJIV NARAIN RAINA, J. (ORAL)

The petitioner sought in this petition filed in the year 2000 promotion as Senior Accountant w.e.f. 30.06.1998 against a vacancy meant for the reserved category. The petitioner belongs to the Scheduled Caste category.

Briefly stated, facts are that the petitioner was promoted as Junior Accountant by the Administrative Committee of the Bank on 17.08.1994. On 10.04.1996, the order of promotion was withdrawn by the competent authority i.e. the Board of Directors, since the Administrative Committee had no authority to make a substantive promotion. In this period, he claims that he gained experience on the post of Junior Accountant for 1 year, 7 months & 25 days. Ultimately, the Board of Directors in its meeting promoted the petitioner as Junior Accountant vide order dated 14.08.1996.

The present grievance arose to the petitioner on 30.06.1998, when his case for promotion to the higher post of Senior Accountant was placed on the agenda, but the meeting was adjourned only to be reconvened

on 17.12.1999, when the petitioner says that his case was ignored and instead the Bank promoted three General category candidates from Junior Accountants to Senior Accountants. The petitioner has arrayed Azad Singh Rathee as respondent No.3. There is no other private respondent. The Rules required three years' experience for promotion to the post of Senior Accountant. The petitioner did not achieve the requisite experience on the date when the General category candidates were promoted and urges that if 1 year, 7 months & 25 days period is counted as experience while he worked as Junior Accountant under the orders of the Administrative Committee, then he would have three years experience to his credit and would be available for consideration for promotion as Senior Accountant.

However, Mr. Dahiya points out from the order giving charge of the post of Junior Accountant to the petitioner that it was truly not a promotion, but an arrangement in his own pay scale of the lower post. Therefore, it cannot be said that the petitioner had full-fledged experience of 1 year, 7 months & 25 days reckonable towards experience as Junior Accountant essential under the Rules of the Bank for further promotion. The petitioner continued to draw salary on the lower post while performing duties temporarily as Junior Accountant for the aforesaid period in the exigencies of administration. Therefore, he cannot claim promotion as a matter of right without satisfying the method of promotion laid down in the Rules. The experience was not gained on regular promotion by competent authority. Still further, the petitioner did not challenge the order dated 10.04.1996 withdrawing the arrangement. Moreover, the petitioner has retired from service sometime in mid 2014 since his date of birth as found on the record is 01.06.1956.

For the aforesaid reasons, I find that no life was or is left in the writ petition and would dismiss it.

It is ordered accordingly.

30.09.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>