

CWP No.21784 of 2016

#1# Manoj Kumar
2016.12.16 10:22
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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.21784 of 2016
Date of decision: 20.10.2016

Pali Ram Bansal and Ors.

....Petitioners

Vs.

Malwa Gramin Bank and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

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

Jaswant Singh, J

Petitioners have prayed for issuance of a writ of Certiorari for quashing the impugned Circular dated 26.8.2016 **(P.12)** thereby issuing the summary of categorization of all Branches of the Malwa Gramin Bank (for short "Bank") on the basis of average outstanding business (Deposit & Advances) calculated on notified Fridays of preceeding two financial years i.e on 31.3.2015 and 31.3.2016; as also the Memo dated 26.8.2016 **(P.13)** thereby intimating the concerned Officers/employees of the Bank to hold the Interview for promotion of different grades in third/fourth week of September 2016.

It is contended by learned counsel for the petitioners that the impugned Circular/Memo are legally unsustainable in view of the fact that the categorization of Branches of respondent-Bank as on 31.3.2016 and initiating the process of promotion on that basis is patently illegal and arbitrary.

Heard learned counsel for the petitioners and perused the paper book with his able assistance.

A perusal of the impugned Circular dated 26.8.2016 clearly reveals that the same has been issued with reference to the earlier Circular dated 03.8.2015 **(P.10)**, which is akin to the impugned Memo dated 26.8.2016 **(P.13)** for promotion of different scales on the basis of business level as on 31.3.2013 and 31.3.2014. The impugned Memo dated 26.8.2016 has been issued with reference to Circular dated 17.5.2016 **(P.4)** pertaining to the implementation of the recommendations of Mitra Committee constituted by the Government of India in August 2012 to re-assess the men-power planning and staffing pattern in Regional Rural Banks (RRBs) post CBS.

In view of the recommendations of Mitra Committee, the Government of India advised the Banks including the Malwa Bank to implement these recommendations, which were conveyed by NABARD vide letter dated 24.2.2015 with certain modifications and amendments and the same has been duly implemented by the Bank also. Even, the categorization of the Branches of the Bank was prevalent in the year 2013 also and reference in this regard can be made to Circular dated 20.12.2013 **(P.5)** and similar Memo dated 02.1.2014 **(P.6)** for promotions of different scales on the basis of business level as on 31.3.2012 and 31.3.2013 was issued and again in the year 2015 also, vide Circular dated 03.8.2015 **(P.9)**, the categorization of Branches was circulated and promotions were made on the basis of Memo dated 03.8.2015 from different scales on the basis of business level as on 31.3.2013 and 31.3.2014.

Still further, the Interview for promotions from different scales by way of the impugned Memo dated 26.8.2016 were to be held in the third/fourth week of September 2016 and in case of any shortcoming i.e wrong particulars, omission of any eligible officer/employee etc, if any, was to be advised to the Head office latest by 03.9.2016.

The petitioners have failed to point out as to whether they have raised any objections by the stipulated date i.e 03.9.2016 to the Bank and have filed the present writ petition on 17.10.2016 without resorting to the course suggested in the impugned Memo dated 26.8.2016 itself. Even otherwise, the petitioners have shown their inability to substantiate their pleas that there is any breach of the Regional Rural Bank (Appointment & Promotion of Officers and other Employees) Rules 2010 amended upto date.

In view of the aforesaid, no interference is made out.

Dismissed.

October 20, 2016

(JASWANT SINGH)

manoj

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No