

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1353 of 2009
IN
Civil Writ Jurisdiction Case No. 8266 of 2002

- =====
1. The Bhojpur Rohtas Gramin Bank Head Office South Ramna Road, Ara, Distt- Bhojpur through its Chairman (since amalgamated with and renamed as Madhya Bihar Gramin Bank, Head Office - Meena Plaza, South Of Patna Museum , P.S- Kotwali, Distt- Patna
 2. The Board Of Directors, Bhojpur Rohtas Gramin Bank Head Office South Ramna Road, Ara, Distt- Bhojpur Through Its Chairman (Since Amalgamated With And Renamed As Madhya Bihar Gramin Bank, Head Office - Meena Plaza, South Of Patna Museum , P.S- Kotwali, Distt- Patna
 3. The Assistant General Manager, Priority Sector And Lead Bank Division, Punjab National Bank Head Office- 5, Sansad Marg, New Delhi

.... Appellant/s

Versus

1. Subash Chandra Thakur S/O Awadhesh Kumar Thakur Clerk Cum , Cashier, Bhojpur Rohtas Gramin Bank , Head Office, South Ramna Road , Ara, Distt- Bhojpur
2. Arun Kumr Singh S/O Bishwanath Singh Clerk- Cum- Cashier, Bhojpur, Rohtas Gramin Bank, B/O Bibiganj, P.O. Banpati, Via Chandwa, Distt- Bhojpur
3. Abhay Prakash S/O Gopal Nandan Sahay Clerk- Cum- Cashier, Bhojpur Rohtas Gramin Bank, Branch Office- Boghra, P.O Bihia Chaurasta, Distt- Bhojpur
4. Ajay Kumar Sinha S/O Sri Mahendra Prasad Sinha Clerk- Cum- Cashier, Bhojpur Rohtas Gramin Bank Branch Office- Kayamnagar Distt-Bhojpur
5. Narendra Kumar Singh S/O Kamla Kishore Singh Clerk- Cum- Cashier, Branch Office. Jitora, Distt- Bhojpur

.... Respondent/s

with

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Letters Patent Appeal No. 1236 of 2009
IN
Civil Writ Jurisdiction Case No. 8171 of 2002

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1. The Chairman, Bhojpur Rohtas Gramin Bank Head Office South Ramna Road, Ara, Distt- Bhojpur Since Amalgamated With And Renamed As Madhya Bihar Gramin Bank, Head Office - Meena Plaza, South Of Patna Museum , P.S- Kotwali, Distt- Patna
2. The Board of Directors, Bhojpur Rohtas Gramin Bank Head Office South Ramna Road, Ara, Distt- Bhojpur Since Amalgamated With And Renamed As Madhya Bihar Gramin Bank, Head Office - Meena Plaza, South Of Patna Museum , P.S- Kotwali, Distt- Patna
3. The Manager, Priority Sector and Lead Bank, Punjab National Bank, Head office, New Delhi

.... Appellant/s

Versus

1. The Union of India through its Secretary, Ministry of Finance (Banking) Division, New Delhi
2. Sri Apurva Mishra, Clerk-cum-Cashier, Bhojpur Rohtas Gramin Bank, B/o Gorari, District Rohtas (at present posted at B/o Moopkalan, Madhya Bihar Gramin Bank, District- Bhojpur)
3. Sri Radha Krishna Singh, Clerk-cum-Cashier, Bhojpur Rohtas Gramin Bank, Branch Office- Irsi, District- Bhojpur (At present posted at B/o Dinara Madhya Bihar Gramin Bank, District- Rohtas



4. Sri Manoranjan Prasad Sinha, Clerk-cum-Cashier, Bhojpur Rohtas Gramin Bank, Branch Office- Dhamar, District- Bhojpur (At present posted at B/o Parasia, Madhya Bihar Gramin Bank, District- Bhojpur)
5. Sri Krishna Kumar, Clerk-cum-Cashier, Bhojpur Rohtas Gramin Bank, Branch Office- Ara, District- Bhojpur (At present posted at B/o Dhamar District- Bhojpur)
6. Sri Girish Chandra Deo, Clerk-cum-Cashier, Bhojpur Rohtas Gramin Bank, Branch Office- Ara District- Bhojpur (At present posted at B/o Kaura Madhya Bihar Gramin Bank, District- Bhojpur)
7. Sri Chandra Bhushan Prasad Shrivastava, Clerk-cum-Cashier, Bhojpur Rohtas Gramin Bank, P.O. Char Pokhri, District Bhojpur (At present posted at Regional Office, Madhya Bihar Gramin Bank, Ara)
8. Sri Manna Ji Srivastava, Clerk-cum-Cashier, Bhojpur Rohtas Gramin Bank, Head office Ara, District- Bhojpur (At present posted at B/o Sonbarasa Madhya Bihar Gramin Bank, District- Buxar)

.... Respondent/s

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Appearance :

(In LPA No.1353 of 2009)

For the Appellant/s : Mr. Y.V.Giri, Senior Advocate
Mr. Suresh Pd. Singh No. 1, Advocate
Ms. Kumari Rashmi, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 05-09-2017

Having heard Mr. Y.V.Giri, learned Senior Counsel for the appellants, we find that the direction issued in the writ petition was that the writ petitioners have worked in the Bank for a period of 25 years without single promotion and in view of the facts detailed therein, the respondent-Bank was directed to reconsider the matter within a period of two months and explore the possibility of granting promotion to the writ petitioners. This order of the learned Writ Court was stayed in this appeal on 4.1.2011 and as a consequence thereof not given effect to.

We are informed that Rules with regard to promotion have changed and new sets of Rules have come into force and



consideration cannot be made in accordance with the direction issued by the Writ Court. That apart after a period of more than 15 years the position of the writ petitioners would also have changed and we find that once no junior to the writ petitioners was promoted and there is nothing on the record to indicate that the writ petitioners have been superseded merely because no promotion was granted to them earlier, the direction in the writ petition was not warranted.

Keeping in view the aforesaid, we allow this appeal quash the order passed by the Writ Court and direct that in case any right occurs to the writ petitioners by virtue of the subsequent development and they are still interested in the matter, they may initiate fresh proceeding in accordance with law.

With the aforesaid, the appeal stands allowed.

(Rajendra Menon, CJ)

S.Pandey/-

(Anil Kumar Upadhyay, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.09.2017
Transmission Date	

