

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

Date of decision: 30.03.2017

CWP No.3064 of 1997

Modan Singh

...Petitioner

Vs.

Union of India & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. J.S.Puri, Advocate, for the petitioner.

Mr. Rahul Sharma, Advocate, for the respondents.

RAJIV NARAIN RAINA, J. (ORAL)

This petition was filed in the year 1997 claiming promotion on the principle of merit in promotion policy of the respondent Bank framed under Regulation 17(1) of the UCO Bank (Officers') Service Regulations, 1979. The grievance of the petitioner is that he was conveyed three annual reports written by the 6th respondent in one go after a lapse of 1½ years on 22/23.06.1996.

On 01.07.1996, the petitioner was issued a show cause notice, which he challenged in this Court alleging mala fides against the 6th respondent in which directions were issued not to pass final order. Leave aside that limb, the long and short of the present case is that no prayer was made in the petition to challenge the adverse ACRs and to quash them. The petitioner sought a writ of certiorari/quo-warranto for quashing Annexure P-1 by which the promotions of a large number of respondents (about 36) were made to the higher selection post based on grading and minimum benchmark.

Since the post of Senior Management Grade (Scale IV) is a selection level post, a junior can supersede senior if he secures a higher benchmark. This is why the petitioner was not offered promotion. The petitioner has retired from service. The petition was filed 20 years ago and with the passage of time no life is left in this case. Any interference belatedly may affect rights which have settled in the passing years and further promotion made. The seniority of the respondents and third parties coming later to occupy higher posts cannot be disturbed at this stage and, therefore, this petition is dismissed. However, in case the petitioner has any specific grievance remaining, he would be at liberty to move an application for revival of this case.

30.03.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

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