

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4543 of 2009

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Binod Kumar Sinha, S/o late Ram Deo Narain, R/o Village Khira Chak, P.S. Mahua, Dist. Vaishali was working as Asstt Manaager, SR. No. 2798 The New India Assurance Company Ltd. Presently residing at "RAMDEO" Mohalla Menone Late Club Road, P.O. Ramna, P.S. Mithanpura, Dist. Muzaffarpur.

.... Petitioner/s

Versus

1. The New India Assurance Company Ltd. through its Chairman-cum-Managing Director, New India Assurance Building 87, M.G. Road Fort, Mumbai-400001.
2. The General Manager, New India Assurance Building 87, M.G. Road Fort, Mumbai-400001.
3. The Deputy General Manager, New India Assurance Building 87, M.G. Road Fort, Mumbai-400001.
4. The Manager, New India Assurance Building 87, M.G. Road Fort, Mumbai-400001.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar (Manoj)
For the Respondent/s : Mr. Durgesh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 11-01-2018

Heard learned counsel for the petitioner and counsel for the State.

A grievance has been made by the petitioner that he was promoted from the post of Administrative Officer to the post of Assistant Manager after a long delay. The petitioner was appointed as an Administrative Officer and he was performing his duty under the said Rule of the Company. The seniority list was prepared which is Annexure-1 to this writ application in which the name of the petitioner was at serial no. 173, whereafter, the promotion list was prepared in April, 30, 1991 in which the name of the petitioner was not there, even the Company has prepared another list, namely, reserved list and contingency list on



28.6.1991 but, in that list also, the name of the petitioner was not there but, he was granted promotion vide letter dated 4.11.1992 (Annexure-5) and was posted at Bombay but, he has declined to join there and filed representation, whereafter, again the petitioner was given the benefit of promotion vide order dated 25.1.1993 (Annexure-7), this time also, the petitioner refused to join the place of posting and, ultimately, the petitioner has been granted promotion from contingency list in the year 2001 and, accordingly, he has joined the post. Now, when the petitioner was granted promotion in 1992-93, he should have joined the place of posting, he should not claim that he should be posted in the home town or near to the residence, if the organization has to run, the employee and the officer has to be governed by its Rule, they cannot say that he would not go to the place of posting but, promotion should be granted to him to his home town. Posting along with promotion at Bombay cannot be said to be a bad posting, as the petitioner was offered promotion, he had not joined there, now he cannot blame the organization rather he should blame himself.

In that view of the matter, this Court does not find any merit in the present writ application and, the same is dismissed.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
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