

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1495 of 2015

Prem Sagar Gorakh S/o Late Ayodhya Prasad Gorakh Aged About 60 Years
Working As A Messenger State Bank Of India, Branch Sarkanda, Bilaspur,
Tahsil And District Bilaspur, Chhattisgarh R/o Near Gujrati Kirana Store,
Dayalband, Nayapara, Tahsil And District Bilaspur, Chhattisgarh, Chhattisgarh

---- Petitioner

Versus

1. Regional Manager Reason-1 Regional Business Officer, Third Floor, Vikash Bhawan, Nehru Chowk, Bilaspur, Tahsil And District Bilaspur, Chhattisgarh, Chhattisgarh
2. Branch Manager, State Bank Of India, Sarkanda Branch, Bilaspur, Tahsil And District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh
3. The Dy. General Secretary, SBI, Award Staff Employees Union, C/o State Bank Of India Regional Office, 3rd Floor, Vikas Bhawan, Nehru Chowk Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri R.S.Patel, Advocate
For State	:	Shri P.R.Patankar, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

26/03/2018

The only issue arising for consideration in this case is whether the petitioner was entitled to be considered for promotion to the next higher post of Head Messenger.

2. As pleaded in the petition and argued by learned counsel for the petitioner, the petitioner was engaged as temporary Watchman in the year 1976 and during the period from 1983 – 1984, he worked in the Collectorate Branch, SBI as Messenger on temporary basis for a period of 89 days and from time to time, his services were

extended. An interview was held in the year 1989 and finally, the petitioner came to be appointed as Part Time Messenger.

The petitioner was finally conferred the status of permanent Messenger w.e.f 01/02/2006. The claim of the petitioner is that he is entitled to be considered for promotion to the post of Head Messenger.

3. Learned counsel for the respondent, referring to the promotion policy as contained in the master circular dated 24/03/2009, would submit that the Messenger is entitled to be considered for the next higher post of Head Messenger only upon completion of 15 years of full time service as provided in Clause 1.1 of the master circular. According to the records of the respondent, the petitioner became Part Time Messenger on 02/09/1997 and became Full Time Messenger only w.e.f. 01/02/2006. If the period of service rendered by him as Part Time Messenger is counted for the purposes of Full Time service in accordance with the guidelines to count Part Time service for the purpose of career progression as contained in Clause 1.4 of the master circular, the total period of qualifying service would be 12 years and six months as on 01/06/2014. Therefore, the petitioner is not even eligible for being considered for promotion to the post of Head Messenger.

4. Though in the petition, the petitioner has come out with the pleadings that he was asked to work as Temporary Messenger for few days in the year 1981 and 1982, there is no material on record to show that since that time, the petitioner was appointed and working continuously as Part Time Messenger. The petitioner was otherwise working as Watchman in the Bank since 1976. In any case, in the absence of there being any material on record to show that the petitioner was duly appointed and working continuously prior to 02/09/1997, this Court has to accept the entries in the service records of the petitioner maintained by the respondents and produced before this Court which only shows that the petitioner became Part Time

Messenger w.e.f. 02/09/1997 and he became Full Time Messenger w.e.f. 01/02/2006. Computation of part time service for the purpose of career progression as contained in clause 1.4 of the master circular having been applied, the submission of learned counsel for the respondent that the petitioner would be entitled to count 4 years 2 months and 14 days as Full Time Service, appears to be correct. Thus, the actual service rendered by the petitioner from 01/02/2006 till 01/06/2014 added to the aforesaid period of 4 years 2 months and 14 days, does not fulfill the requirement of minimum service period of 15 years. Therefore, the petitioner's claim is liable to be rejected.

5. Learned counsel for the petitioner raises another issue that the retiral dues have not been released.

6. This is not the subject matter in this petition. Whatever dues are payable to the petitioner, however, should be paid subject to compliance of the requirement of furnishing information etc.

7. The petition is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge