

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 548 of 2018**

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)

---- Appellant

Versus

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

---- Respondents

For Appellant	: Shri C.J.K.Rao, Advocate
For Respondent/SBI	: Shri P.R.Patankar, Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Prashant Kumar Mishra, Judge

Judgment on Board**07/08/2018****Per Ajay Kumar Tripathi, Chief Justice**

1. Heard counsel for the parties.
2. The Appellant, who was Petitioner before the writ Court filed W.P. (S) No. 1495 of 2015. He wanted a direction upon the Respondent-State Bank of India (hereinafter referred to as 'the SBI') to consider and grant him promotion to the next higher post of Head Messenger. His case before the learned Single Judge was that he had worked initially as a temporary Watchman with the concerned

Branch of SBI in the year 1976 and then thereafter also as a Messenger on a temporary basis between 1983 to 1984. He had been working on a regular basis but only in the year 1989 he came to be promoted as a Part-Time Messenger, to be precise, w.e.f 02.09.1997.

3. It is the claim of the Appellant that in terms of the Master Circular dated 24.03.2009 which deals with Career Progression Scheme for subordinate staff, he is entitled to be promoted to the next higher post of Head Messenger, keeping in mind his past service, if not the length of service.

4. The stand of the Respondent-SBI before the learned Single Judge as well as before this Court is that in terms of clause 1.1 of the Master Circular, a minimum of 15 years of service (full-time) is required to be completed by an employee before he becomes entitled for consideration or grant. The simple calculation with regard to the period of service of the Appellant is that since between 02.09.1997 till 31.01.2006, he was working as a Part-Time Messenger and only w.e.f 01.02.2006 that he became a Full-Time Messenger. As per the circular, half of the period as Part-Time Messenger is required to be added to the Full-Time Service and all told on 01.06.2015, it adds up to only 12 years and 6 months.

5. Considering the above factual position and the way calculation of the length of service is required to be made under the Career Progression Scheme, especially clause 1.4 of the Master Circular, the total period of 15 years does not add up in his favour. As a last-ditch effort, counsel for the Appellant tried to make out a case from a document which he had brought on record as part of Annexure P/4 at page 24 of the writ application, where on the basis of the revised salary fitment sheet, he tried to argue that his earlier period of service in one capacity or the other is reflected in the said document and the total length of service shown therein is 9 years and 22 days and therefore, it is this calculation which should be

used for the purpose of consideration of promotion to the next higher post of Head Messenger.

6. Counsel for the Respondent-SBI has brought the circular dated 04.12.2008 under whose context the revised salary fitment sheet had been prepared and the two issues which is the Master Circular dated 24.03.2009 which is a subsequent document and specifically lays down the method and methodology of calculating the length of service cannot be intermixed and taken advantage of.

7. Since it is nobody's case that the Appellant, prior to 02.09.1997 worked as a Part-Time Messenger and this status was given to him only after 02.09.1997 and became a Full-Time Messenger w.e.f. 01.02.2006, the simple arithmetical count for length of service does not add up in his favour and therefore, the learned Single Judge has committed no error by dismissing the writ application.

8. Since we do not find any error in the said decision of the learned Single Judge and nothing glaring as such has been pointed out either on fact or the application or the Master Circular, the appeal is required to be dismissed and is dismissed.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Prashant Kumar Mishra)
JUDGE