

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2018

CORAM:

THE HON'BLE MR.JUSTICE M. DHANDAPANI

W.P.No.11945 of 2006

G. Samiappan

... Petitioner

/Vs/

1. Central Bank of India,
represented by its General Manager,
Zonal Office,
48/49, Montieth Road, Egmore,
Chennai - 600 008.

2. Central Bank of India,
represented by its Chairman & Managing Director
Central Office, Chander Mukhi,
Nariman Point, Mumbai-21.

3. The Deputy General Manager (Pers.)
Central Bank of India,
Central Office, Chander Mukhi,
Nariman Point, Mumbai-21.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring that the first respondent bearing Ref. No.ZO:HRD:R&P:2005-06:2896, dated 12.12.2005 read with Circular No.CO:PRS:2006-2006:29, dated 10.06.2005 issued by the third respondent in so far as keeping the petitioner's name in the sealed cover as illegal, violative of Article 21 and contrary to the promotion policy for officers applicable to the Central Bank of India and consequently to direct the respondents to consider and promote the petitioner as MMG-II from the date of other persons were promoted as MMG-II in the selection process for the year 2004 with arrears of pay with all other consequential benefits.

For Petitioner : Mr.K.M. Ramesh

For Respondent-1: Mr.Anand

for M/s. T.S. Gopalan & Co.

O R D E R

The Writ of Declaration, declaring that the first respondent bearing Ref. No.ZO:HRD:R&P:2005-06:2896, dated 12.12.2005 read with Circular No.CO:PRS:2006-2006:29, dated 10.06.2005 issued by the third respondent in so far as keeping the petitioner's name

in the sealed cover as illegal, violative of Article 21 and contrary to the promotion policy for officers applicable to the Central Bank of India and consequently to direct the respondents to consider and promote the petitioner as MMG-II from the date of other persons were promoted as MMG-II in the selection process for the year 2004 with arrears of pay with all other consequential benefits.

2. The petitioner joined service of the respondent's bank on 18.02.1976 as Clerk after working various places including the rural areas. The petitioner was charge sheeted on the ground that two main transfers that were issued contained his signature. Accordingly, the first respondent lodged a criminal prosecution against the petitioner under the Prevention of Corruption Act. The criminal case is pending before the Court and the departmental proceedings were initiated and imposed a punishment against the petitioner as four stages for four years of stoppage of increment. However, due to the pendency of the criminal case, the petitioner not award of any promotion. Aggrieved by the same, the petitioner filed a writ petition.

3. The learned senior counsel appearing for the petitioner would submit that though the criminal case was launched against the petitioner by the first respondent in the year 1997. The criminal case is pending against the petitioner. In view of the pendency of the criminal case, the petitioner not award of any promotion. Accordingly, the petitioner sought permission of this Court, permit the petitioner to make a representation after the criminal case is over.

4. In view of the limited prayer sought by the petitioner without going into the merits of the case, this Court is inclined to grant the liberty to the petitioner to renew his representation after the disposal of the criminal case. In view of the above, liberty is granted to the petitioner to make a representation to the Authorities, after the criminal case is over.

5. With the above observation, the Writ Petition is dismissed. No costs.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

To

1. The General Manager, Central Bank of India,
Zonal Office,
48/49, Montieth Road, Egmore,
Chennai - 600 008.

2. The Chairman & Managing Director
Central Bank of India,
Central Office, Chander Mukhi,
Nariman Point, Mumbai-21.

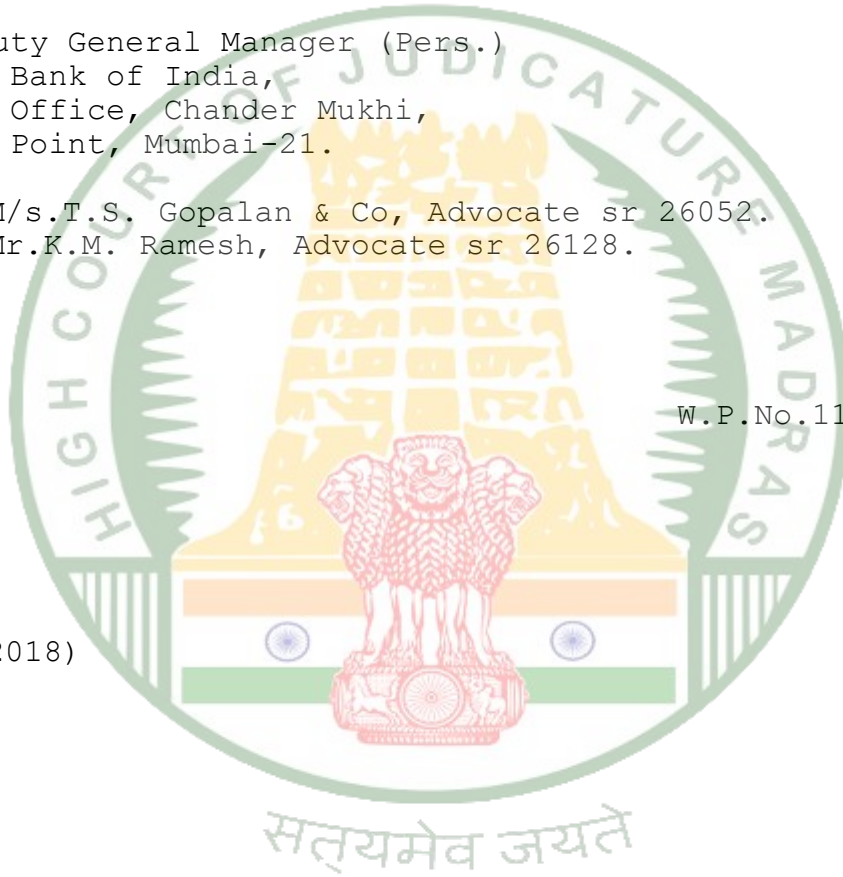
3. The Deputy General Manager (Pers.)
Central Bank of India,
Central Office, Chander Mukhi,
Nariman Point, Mumbai-21.

+1 CC to M/s. T.S. Gopalan & Co, Advocate sr 26052.

+1 CC to Mr. K.M. Ramesh, Advocate sr 26128.

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SS (CO)
SP (03/05/2018)



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