

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.16136 of 2010

M.Senthilmohan,  
Senior Manager - IT  
Punjab national Bank,  
D3, Ayyappa Avenue,  
1A, Mugalivakkam Main Road,  
Porur, Chennai - 600 116.

... Petitioner

Vs.

1. The Chairman & Managing Director  
Punjab National Bank, Head Office,  
7, Bhikaiji Cama Place,  
New Delhi - 110 066.
2. Union Of India, Rep.by its Secretary,  
Ministry of Finance, Department of Economic Affairs,  
Banking Division,  
Jeevandeep Building,  
Parliament Street, New Delhi.
3. National Commission for SC/ST,  
Rep.by its Chairman,  
Government of India,  
Floor 5<sup>th</sup> , Lok nayak Bhawan,  
Khan Market, New Delhi - 110 003.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1<sup>st</sup> respondent to implement the policy of reservation in promotion for SCs/STs issued by the Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel Training in its Official memorandum No.36012/18/95-Estt (Res.) Pt:II dated 13.08.1997 and the same is upheld in Writ Appeal No.304 of 1998 by this Hon'ble Court to the petitioner, further direct to provide all benefits of Chief Manager Scale IV and promote the petitioner to Assistant General Manager Scale V at par with retrospective effect from March 2006 with back wages and service benefits.

For Petitioner : Mr.N.G.R.Prasad  
for M/s. Row & Reddy  
For R2 & R3 : Mr.J.Madana Gopal Rao, SPC  
For R1 : No appearance

ORDER

The prayer made in this writ petition is to direct the first respondent to implement the policy of reservation for SCs/STs candidates and accordingly, give promotion to the petitioner with all benefits.

2.According to the petitioner, he joined the first respondent bank in the year 2001 as Senior Manager, MMG Scale III in Information Technology. Though his juniors were promoted to next level, from the year 2006 onwards he has not been considered for promotion, as he belongs to Scheduled Caste community. Hence, this writ petition.

3.Today, when the matter is taken up for consideration, the learned counsel for the petitioner, on instructions, submitted that during the pendency of the writ petition, the petition filed by the petitioner was taken up for consideration by the National Commission for Scheduled Castes, New Delhi, the third respondent herein, which, on 03.03.2017, after observing that this is a clear case of discrimination and harassment, passed an order/recommendations in favour of the petitioner and the copy of the same was also communicated to the first respondent. However, till date, no order was passed. Therefore, the learned counsel sought a direction to the first respondent to implement the order/recommendation of the third respondent dated 03.03.2017, for which, the learned counsel appearing for the respondents 2 and 3 has no serious objection.

4.The third respondent, vide order dated 03.03.2017, passed the following recommendations:

"After going through the submission made by the petitioner and the statements/responses given by the Bank during the last hearing, facts of the case and records available, the Commission as per powers conferred under Article 338 of the Constitution hereby recommends that the matter should be enquired into from the year 2002-03 onwards. The Commission further recommends that the petitioner should be given promotion as DGM by considering the promotion with retrospective effect from March 2006 and further notional promotions from time to time thereafter with all consequential benefits from the date when he

would have become eligible for the promotion, had his ACR marks recorded legally and correctly by the concerned reviewing/accepting authorities as per his merits. The Commission also recommends that no further harassment and discrimination should be made to the petitioner on his approaching to the Commission and his TA/DA bills for attending the hearings in the Commission should be settled along with all his pending bills/dues as per rules."

5. Since the learned counsel for the first respondent revoked his vakalath, the name of the first respondent was printed in the cause list. Despite the same, there is no representation for the first respondent either in person or through any new counsel. Further, no counter affidavit is forthcoming on the side of the first respondent. In such circumstances, this Court has no other opinion, except to direct the first respondent to comply with the order/recommendations passed by the third respondent on 03.03.2017.

6. Accordingly, this writ petition stands disposed of directing the first respondent to comply with the order/recommendations of the third respondent dated 03.03.2017 within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

+1cc to Mr.Row & Reddy, Advocate, S.R.No.51678

+1cc to Mr.J.Madanagopal Rao, Advocate, S.R.No.51266

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MR (CO)  
GSP (12/09/2018)