

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2018

CORAM :

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.26681 of 2007
and
M.P.No.1 of 2007

R.Balasubramaniam

...Petitioner

Versus

1. The General Manager,
Canara Bank,
Head Office, 112, J.C.Road,
Bangalore-560 002.
2. The Deputy General Manager,
Canara Bank,
HRM Section,
Central Office, Chennai-600 018.
3. The General Manager,,
IR Section - Personal Wing
Canara Bank,
Head Office,
Bangalore - 560 002.
4. Shivakumar K,
Agri Finance Branch,
Canara Bank,
Coimbatore Circle, Coimbatore.

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the Select List vide Memo No.41/07 dated 21.05.2007 published by the First Respondent in so far as the post of Middle Management Grade Scale II [MMG Scale-II] is concerned and quash the same and direct the first respondent to conduct a de-novo selection for the said post and appoint the petitioner to the post of MMG Scale-II on that basis with all consequential benefits.

For Petitioner : Mrs.Y.Kavitha
For M/s.P.V.S.Giridhar Associates.
For Respondents : Mr.Gautham S. Raman
for Mr.C.Seethapathy

O R D E R

The petitioner has filed this writ petition challenging the selection list vide Memo No.41/07 dated 21.05.2007, published by the first respondent for the post of Middle Management Grade Scale II [MMG Scale-II] and direct the first respondent to conduct a de-novo selection for the said post and appoint the petitioner to the post of MMG Scale-II, with all consequential benefits.

2.The case of the petitioner is that he is a physically challenged person suffering from orthopedic and loco-motar disability. He has entered into service on 14.12.1983, as a Clerk in the respondent's Bank. Thereafter, he worked in various posts in the clerical cadre like Typist cum Filing clerk, Computer Operator etc. Thereafter, he was promoted to the grade of Officer in the Erumapalayam Branch, Salem w.e.f.16.10.2001 and was further transferred to Alagapuram Branch, Salem and continue to work till date. While so, the first respondent announced promotion policy for making promotions to the post of Middle management Grade Scale-II and III and Senior Management Grade Scale-IV. As per the Rules, persons with 5 years of service in the Junior Management Grade Scale-I become eligible for consideration for promotion to MMG Scale-II. This being the position, the petitioner received a call letter from the first respondent to participate in the written test to be held on 04.02.2007 at Salem and the petitioner also participated in the test. However, he was not selected for the said post. According to the petitioner, though he was eligible for the said post under the reservation of physically handicapped category he was not selected. Hence, he sent a detailed representation to the first respondent on 09.04.2007. While no orders has been passed on the petitioner's representation, the first respondent vide Memo No.41 of 2007 dated 21.05.2007 had published a Selection list of candidates for the post of Middle Management Grade Scale-II within the Coimbatore Circle. Challenging the said Selection List, the petitioner has filed the present petition.

3.The learned counsel for the petitioner would submit that the petitioner is physically challenged person suffering from orthopedic handicap and loco motor disability and the percentage of disability is assessed as more than 40% and he is eligible

for the said post under 3% reservation as per Disabilities (Equal opportunities, protection of Rights and Fund Participation) Act, 1995. The first respondent without considering the reservation, published the selection list of candidates to the above said post is unsustainable. However, the learned counsel for the petitioner further submitted that subsequent to filing of this Writ Petition, the petitioner has voluntarily retired from service and availed all the service and retirement benefits.

4. In view of the above submission made by the learned counsel for the petitioner, I do not find any merits in this petition. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rm

To

1. The General Manager
Canara Bank
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4. Shivakumar K
Agri Finance Branch
Canara Bank
Coimbatore Circle, Coimbatore.

+lcc to Mr.Giridhar & Sai, Advocate, S.R.No.52082

W.P. No.26681 of 2007

GSP(19/09/2018)