



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIYAM

W.P. (MD) No.2522 of 2013

and

M.P. (MD) Nos. 1,2 and 3 of 2013

Masilamani Jeevaraj

... Petitioner

Vs.

1. The Regional Manager (IV)
State Bank of India,
Madurai Zone,
Zonal Office,
Madhura Complex,
Dr. Ambedkar Road,
Madurai.

2. The Branch Manager,
State Bank of India,
Varusanadu,
Varusanadu Main Road,
Theni District.

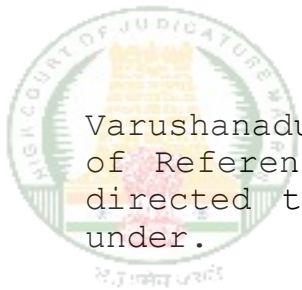
... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned communication in Varusanadu/Staff/2 dated 21.01.2013 on the file of the respondent No.2 and quash the same as illegal and consequently direct the respondents to permit the petitioner to discharge the duty in the cadre of the Assistant at the second respondent's branch.

For petitioner : Mr.S.Rajasekar
For R1 : No appearance
For R2 : Mr.S.Sethuraman

O R D E R

The order dated 21.01.2013 which is challenge in this writ petition states that the writ petitioner was directed to take in charge of the Cash Officer duty on the close of business in



Varushanadu branch. The petitioner states that as per section 8.1.1 of Reference Book of Staff Matters, the writ petitioner cannot be directed to function as cash officer and the provisions reads as under.

"b. As per section 8.1.1 of Reference Book on Staff Matters

In terms of the provisions of the policy for career progression for workman staff with effect from the 1st April, 1999, as a matter of rule, no acting/ officiating opportunities would be given in the place of all senior assistants (including the redesignated senior Assistant) and special Assistants, During the absence of these employees, their work will be reallocated among the other senior Assistants/ Special Assistant/ Officers (JMG Grade) available at the Branch as the case may be. Officiating will be permitted only in such exceptional cases where the cash officer (JMG)/Special Assistant incharge of Cash department is suddenly incapacitated or proceeds on leave at short notice and where there is no other special Assistant available either at that Branch or any other nearby Branch to take over charge."

2. Further it is contended that as per section 8.1.2. of Reference Book which reads as under.

"Whenever it is considered absolutely necessary to permit officiating only in the exceptional circumstances as narrated in paragraph 8.1.1 above, the following aspects should be taken into account.

i. Acting chances in junior management grade Scale I (Cash Officers) will be given to employees in clerical cadre on the basis of combined branch seniority of all employees at the Branch, provided that the employees are otherwise suitable for the post. Normally, the senior most employee who has completed at least three years' service should be permitted to act in higher capacity."

3. However, it is brought to the notice of this Court that it is only an administrative arrangement made on administrative exigency on a particular date and therefore the same cannot be challenged by the writ petitioner by way of the present writ petition. This apart, he was allowed to continue as Assistant after filing of the writ petition for the past five years and therefore now after the length of five years from the date of filing of the writ petition, the claim of the writ petitioner deserves no further consideration and if any grievances prevails to the writ petitioner, it is left open to him to approach the appropriate competent authority in the manner known to law. Further in respect of the service, it is only an interim arrangement and the same and the need not be interfered with. Thus, no further consideration is required.



4. Accordingly, the writ petition stands dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

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Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

+ 1 CC TO Mr.T.LAJAPATHI ROY, ADVOCATE IN SR No. 50013
+ 1 CC TO Mr.S.SETHURAMAN, ADVOCATE IN SR No. 49703

PNN

TE/JC/SAR-4 : 01/03/2018 : 3P/3C

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