

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.7844 OF 2006

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, seeking to issue writ of mandamus declaring the action of the respondent in not promoting the petitioner to the post of Scale-II Officer from Scale-I Officer in respondent-bank as illegal and arbitrary and sought for consequential direction to consider the case of the petitioner for promotion to the post of Scale-II Officer in the respondent-bank as per seniority list, dated 16.03.2006.

2. Heard Mr.P.Srinivasulu, learned counsel for the petitioner and Smt.V.Umadevi, learned standing counsel for the respondent-bank.

3. It has been contended by the learned counsel for the petitioner that the petitioner was appointed as Scale-I Officer during 1985 and his services were also regularized. It is further contended by the learned counsel for the petitioner that in the tentative seniority list drawn on 31.07.1997, the name of the petitioner was included at Sl.No.57 and thereafter, the respondent-bank issued final seniority list on 16.03.2006, wherein the name of the petitioner is placed at Sl.No.1.

4. The grievance of the petitioner is that even though he is placed at Sl.No.1, his case for promotion to the post of Scale-II Officer was not considered along with others. In those set of circumstances of the case, the present writ petition is filed.

5. It has been contended by the learned counsel for the petitioner that at the time of admitting this writ petition,

this Court was pleased to grant interim direction directing the respondent to permit the petitioner to appear for written examination scheduled to be held on 23.04.2006. However, the result shall not be declared. In pursuance of the orders of this Court, the petitioner was permitted to appear for examination, but his result was not declared. Thereafter, this Court has modified the said interim orders on 08.10.2007 directing the respondent to declare the result of the petitioner in the interview and if he is found successful, his case may be considered for appointment along with others.

6. The respondent herein had challenged the modified interim orders by filing Writ Appeal Nos.1084 and 1089 of 2007 and a Division Bench of this Court was pleased to dispose of the writ appeals on 07.03.2008 with the following observations:

“Upon hearing the learned advocates and looking to the facts of the case, in our opinion, it would be just and proper if the original petitioners are also permitted to appear at the interview. However, the final result shall be kept in sealed cover. So, we modify the interim orders to the effect that the original petitioners shall also be permitted to appear at the interview so that the process of selection for the purpose of promotion to the post of Officer Scale-II is completed.

Looking to the facts of the case, it is directed that the writ petitions should be heard at an early date and it is also directed that the appellant-bank shall keep vacant three posts in the cadre of Officer Scale-II till the writ petitions are finally disposed of. It is also directed that the writ petitions be notified for final hearing on 20th March, 2008.”

7. Learned counsel for the petitioner contended that in pursuance of the orders passed by a Division Bench of this Court, three posts of Officers Scale-II are kept vacant and the petitioner was allowed to participate in the selection process of Scale-II Officer. The only issue remains is the results of the said selection for promotion to the post of Scale-II Officer are to be declared and if the petitioner is

successful in the said selection, his case be considered for the post of Scale-II Officer.

8. This Court having considered the rival contentions made by both parties, is of the considered view that this writ petition can be disposed of directing the respondent to open the sealed cover and if the petitioner is found suitable and eligible as per rules, his case be considered for promotion to the post of Scale-II Officer.

9. With the above observation, the writ petition is disposed of. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

DATED: 10-10-2018
Hsd

