

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-15161-2011

Date of Decision:08.02.2018

Manjesh Sharma and another

... Petitioners

Vs.

State Bank of India and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Aalok Jagga, Advocate for the petitioner.

Mr. Kapil Kakkar, Advocate for the respondent.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioners have challenged the order dated 11.07.2011 (Annexures P-5 and P-6).

2. Both the petitioners were appointed as Officer Marketing and Recovery Officer (Rural). Their grievance relating to absorption to the post for which they were appointed has been declined with reference to circular relating to absorption read with the achievement made by them during the contractual appointment. On 30.07.2010, a note has been sent for the General Manager CHO, Chandigarh in which in respect of petitioner No.2-Narendera Kumar is concerned, it was noted as under:

“Regional Manager has further advised that Sh. Narinder Kumar, OMR was not able to achieve performance level 60% as he was not familiar with the local language and environment. Secondly the Branches allocated to him viz Bullowal & Haryana were newly opened having a negligible customer base vis-a-vis branches allocated to other OMRs.”

3. The absorption made by the officer has not been taken into consideration for the purpose of assessing as is evident from Annexure R-6. For the purpose of absorption and taking into consideration of their achievement, suo moto official respondents have reviewed by refixing the target of advance loan and their achievement, even then, 2nd petitioner could not achieve the minimum target fixed to the extent of 60% and he has achieved target of 35%. Whereas 1st petitioner achieved 18%. During re-evaluation one Shri Pardeep Shukla whose performance has been

taken into consideration and assigned 31%, he has been shown in the revised evaluation as 62.13%. Insofar as 2nd petitioner is concerned, he achieved 23% to 35%. However, note to the General Manager dated 30.7.2010 (Annexure R-2) has not been apprised so also there is no consideration. It is a clear case of discrimination for the reasons that 2nd petitioner has been posted to branches like Bullowal & Hariana which were newly opened. Therefore, an observation has been made one cannot expect to reach target of achievement unless and until both the new braches were well established. It was beyond the control of the 2nd petitioner to achieve the target on par with the others who have worked with the branches which were well established.

4. Accordingly, order dated 11.7.2011 (Annexure P-6) is set aside qua 2nd petitioner. Respondents are hereby directed to consider the note cited supra and take a fresh decision while relaxing target or achievement having regard to the fact that 2nd petitioner has been posted to new branches which were not established as on the date of seeking target and achievement. The above exercise shall be completed within a period of three months from today. Insofar as 1st petitioner is concerned, he has not made out a case so as to interfere with order dated 11.7.2011 (Annexure P-5) as his achievement is just 8% when the minimum achievement is required to the extent of 60%. Consequently, petition stands dismissed qua 1st petitioner and petition stands allowed in respect of 2nd petitioner.

08.02.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No