

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

LPA No.2202 of 2016 (O&M)
Date of decision: July 12, 2018

Gurdeep Singh and others

.....Appellants

Versus

Central Bank of India and others

.....Respondents

LPA No.2325 of 2016 (O&M)

Sandeep Kumar and others

.....Appellants

Versus

Central Bank of India and others

.....Respondents

LPA No.120 of 2017 (O&M)

Central Bank of India

.....Appellants

Versus

Kuldeep Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI
HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. H.C. Arora, Advocate
for the appellant(s) in LPA-2202 of 2016.

Mr. Vipin Sharma, Advocate for
Mr. S.M. Sharma for the appellant(s) in LPA-2325-2016.

Mr. Anupam Gupta, Senior Advocate with
Ms. Gurneet Sagoo, Advocate
for the appellant-Central Bank of India in LPA-120-2017 and
for respondents No.1 & 2 in LPA-2202-2016.

Mr. Pankaj Katia, Advocate

A.B. CHAUDHARI, J.

This order shall dispose of all the three Letters Patent Appeals i.e. LPA No.2202 of 2016 (Gurdeep Singh and others vs. Central Bank of India and others), LPA No.2325 of 2016 (Sandeep Kumar and others vs. Central Bank of India and others) and LPA No.120 of 2017 (Central Bank of India vs. Kuldeep Singh and others).

In these Letters Patent Appeals, the judgment and order dated 05.10.2016, passed by learned Single Judge of this Court in CWP-11534 of 2013 has been put to challenge as the learned Single Judge has set aside the entire selection of the Safai Karamcharis who were selected by the Central Bank of India, Mumbai Branch. The petitioner Kuldeep Singh filed writ petition CWP-11534-2013 making the grievance that though he was called for interview, he could not remain present. The said averment has been refuted by the Bank stating that when he was called for the interview for the General Category, he was absent and that is why he did not participate. In the petition, the petitioner Kuldeep Singh *inter alia* raised grounds regarding the over age of some of the candidates who were ultimately selected and have also been appointed.

He also raised an objection that there was un-authorized conversion of the applications from BC Category to that of OBC Category. The petitioner as such does not have any grievance qua the same. But, insofar as he is concerned, he belong to the OBC Category. In his petition, some of the private respondents were made parties but qua 12 persons who were selected and appointed they were not made party to the petition. Therefore, counsel for the appellants submitted that there was no need to make them parties namely the persons, who were selected and who joined the duties.

Be that as it may, LPA was lodged in this Court. Insofar as original petitioner Kuldeep Singh is concerned, this court had made the following order on 09.11.2016:-

“Notice of motion for 30.03.2017.

Meanwhile operation of the impugned judgment to the extent of setting aside the entire selection is stayed. However, the bank is directed to provisionally interview respondent No.3 and determine his merit vis-a-vis other selected candidates and produce the same in a sealed cover.”

After the compliance of the order dated 09.11.2016, on 30.03.2017, this Court after having seen the result, passed the following order:-

“In deference to the order dated November 09, 2016, learned counsel for respondent Nos.1 & 2-Bank has handed over two sealed envelopes, one containing the performance sheet re: the interview of respondent No.3 and the another containing the final result of candidates including the appellants who were selected earlier. Respondent No.3 has been awarded 28 marks out of 50 in the reserved category of 'OBC' and is far behind the last selected candidate. The result-sheets in original have been returned to the learned counsel for the Bank. Learned counsel for respondent No.3 states that there are other issues which require determination.

List on 19.07.2017 for arguments.

Interim directions to continue.”

Perusal of both the order shows that Kuldeep Singh though was called for interview, unfortunately could not succeed and even he was far behind from the last selected candidate in the OBC Category, in which he had made a claim for the post in question.

In our opinion, the principal grievance made by the original

petitioner Kuldeep Singh would stand redressed in view of the aforesaid two orders made by this Appeal Court.

However, we find that by the impugned judgment dated 05.10.2016, passed by learned Single Judge the entire selection of all the 35 candidates has been set aside, which in our opinion, should not have been resorted in view of the fact that the grievance that was to be redressed in respect of Kuldeep Singh-petitioner only.

We therefore, set aside the impugned judgment and order dated 05.10.2016, made by the learned Single Judge by which selection and appointment of 35 candidates was set at naught.

Insofar as, the petitioner Kuldeep Singh is concerned, we find that he has been given one more chance but still he did not succeed. We are unable to consider the further request made by counsel for the petitioner-Kuldeep Singh that he should be again considered for the said post. We cannot do so.

Insofar as the submissions made by learned counsel for Kuldeep Singh about the selection of over aged candidates is concerned, we are of the *prima facie* opinion that at his instance the grievance cannot be entertained. However, the Central Bank of India is a nationalized bank, we think directions are required to be issued to the Bank in the case of alleged over aged persons whose names are mentioned hereunder:-

- (1) Kamlesh Rani D/o Roshan Lal
- (2) Malkit Singh S/o Balwant Singh
- (3) Harhajan Kaur W/o Late Bhupinder Singh
- (4) Mandeep Singh S/o Ranjit Singh
- (5) Jaskaran Singh

The Bank shall review their cases after giving opportunity of hearing to them. The Bank shall then make speaking order and communicate

the same to them. If the order is adverse to them, the same shall not be given effect to for a period of eight weeks from the date of service of order on them.

Disposed of.

(A.B. CHAUDHARI)
JUDGE

(KULDIP SINGH)
JUDGE

July 12, 2018
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Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No