

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.744 of 2012

I.Thangavelu
Assistant
State Bank of India
Ambur Branch
Nethaji road
Ambur, Vellore District.

.. Petitioner

Vs.

State Bank of India
Rep. by Regional Manager
Regional Business Office
No.26, 6th cross street
Gandhi nagar
Vellore - 632 006.

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus calling for the concerned records from the respondent, quash the order of the respondent dated 18.10.2010 bearing Ref.No.RBO:12 003515/2010-11 and consequently direct the respondent to grant Senior Assistant Grade to the petitioner with effect from 01.04.1999 with all consequential monetary and attendant benefits.

For Petitioner : Mr.Balan Haridas

For Respondent : Mr.R.R.Pradheep for
M/s.S.Sethuraman

O R D E R

Writ Petition is filed for issuance of a writ of Certiorarified Mandamus calling for the concerned records from the respondent, quash the order of the respondent dated 18.10.2010 bearing Ref.No.RBO:12 003515/2010-11 and consequently direct the respondent to grant Senior Assistant Grade to the petitioner with effect from 01.04.1999 with all consequential monetary and attendant benefits.

2.The learned counsel appearing for the petitioner contended that the petitioner joined in the respondent bank on 20.12.1980 as an Assistant. The petitioner is seeking incadre promotion to the post of Senior Assistant based on the carrier progression policy formulated by the respondent bank. He is entitled to promotion as Senior Assistant with effect from 01.04.1999. All the persons similarly placed like the petitioner and his juniors were promoted as Senior Assistant. The petitioner was not given promotion on the ground that he was placed under suspension from 21.12.2001 to 06.01.2006 and the disciplinary proceedings initiated against the petitioner was pending. The disciplinary proceedings initiated is nothing to do with the incadre promotion, which ought to have given to the petitioner on 01.04.1999. The petitioner made various representations to the respondent bank for granting him promotion as Senior Assistant. The respondent bank did not consider the same. The petitioner filed W.P.No.15760 of 2010. This Court by order dated 04.08.2010 directed the respondent bank to consider the representation made by the petitioner in accordance with law. The respondent bank has passed the impugned order rejecting the request of the petitioner on the ground that the carrier progression policy for incadre promotion was implemented only in the year 2002 and the petitioner was not given said promotion as he was facing disciplinary proceedings. The said order is not valid as the petitioner is entitled to be promoted as Senior Assistant with effect from 01.04.1999 as given to the other employees as per the settlement dated 12.04.1999 and prayed for allowing the writ petition.

3.The learned counsel appearing for the respondent bank contended that even though settlement for granting incadre promotion was of the year 1999, the same was implemented only in the year 2002 and on that day, the petitioner was under suspension and facing disciplinary proceedings. Therefore, he is not entitled to promotion as Senior Assistant as per the carrier progression policy. The promotion to Senior Assistant from clerical cadre as per the carrier progression policy can be granted to an employee, who had not been punished and not to the employees, who have been punished and the petitioner has approached this after six years and has not explained the delay and prayed for dismissal of the writ petition.

4.Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the 2nd respondent and perused the materials available on record.

5.From the materials available on record, it is seen that the petitioner is seeking promotion to the post of Senior Assistant with effect from 01.04.1999 on the ground that similarly placed persons like the petitioner and his juniors

were promoted. The petitioner has not furnished the names of the similarly placed persons or juniors who were promoted as Senior Assistant from 01.04.1999. In view of the same, the contention of the learned counsel appearing for the respondent bank that the settlement with regard to carrier progression policy was implemented only in the year 2002 is acceptable. Further on the date of implementation in the year 2002, the petitioner was under suspension and was facing disciplinary proceedings and subsequently, punishment was imposed on the petitioner for the charges levelled against him. The industrial dispute raised by the Union on behalf of petitioner was dismissed. Today, W.P.No.2432 of 2012 filed by the Union challenging the said award of the Labour Court was dismissed upholding the punishment imposed on the petitioner.

6.For the above reason, the writ petition stands dismissed.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kj

To
State Bank of India
Rep. by Regional Manager
Regional Business Office
No.26, 6th cross street
Gandhi nagar, Vellore - 632 006.

+1cc to Mr.Balan Haridas, Advocate SR.68514
+1cc to M/s.S.Sethuraman, Advocate SR.68531

W.P.No.744 of 2012

MR(CO)
CB(16/10/2019)

सत्यमेव जयते

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