



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
RESERVED ON : 24.09.2019
DELIVERED ON : 21.10.2019
CORAM :

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD)No.6099 of 2018

C.Rengaraj

... Petitioner

vs.

The Chief General Manager,
State Bank of India,
Local Head Office,
College Lane, Nungambakkam,
Chennai - 600 006.

... Respondent

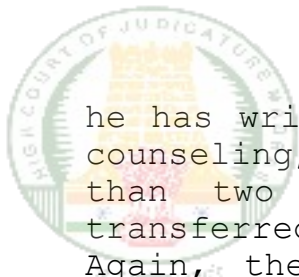
Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned letter of the respondent dated 09.02.2018, quash the same as illegal and consequently, directing the respondent to refix the pay on notional promotions along with all other benefits including allowances and revise the pension on re-fixation of pay and issue the arrears for the same.

For Petitioner : Mr.C.Rengaraj
Party-in-Person
For Respondent : Mr.S.Sethuraman

ORDER

This Writ Petition has been filed seeking to quash the impugned letter of the respondent dated 09.02.2018 and a consequential direction to the respondent to refix the pay on notional promotions along with all other benefits including allowances and revise the pension on re-fixation of pay and issue the arrears for the same.

2.The petitioner was appointed as a Clerk in May 1967. After periodical promotions on various dates, finally, he was promoted to Middle Management Grade (MMG) Scale III in August 1985 and thereafter, he retired from service on 31.05.2004 on attaining the age of superannuation from Circle Audit Department, Local Head Office, Chennai. According to the petitioner, he ought to have been promoted to Scale IV from 01.11.1989; to Scale V from 01.11.1993; and to Scale VI from 01.11.1999. According to the petitioner, he has rendered unblemished service in the respondent Bank for 37 years and due to his personal relationship with one M.A.Sampath Kumar, while he was working in Tiruppathur Branch, he was denied promotion permanently and his career was ruined. According to the petitioner,



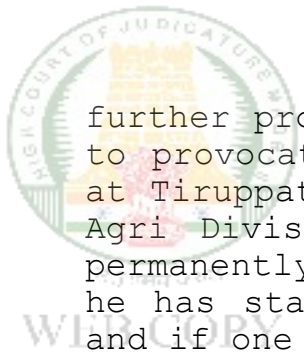
he has written number of letters for personal hearing and also for counseling, but the respondent kept quiet. When he was having less than two years of service left for his retirement, he was transferred to Local Head Office for non-operational assignment. Again, the petitioner re-presented to Chief General Manager for personal hearing and counseling, but the respondent did not consider the request of the petitioner. The petitioner, by his hard work, has got number of commendations in the Book in Tiruppathur Branch, Vellore District, but the respondent instead of taking action on the said report, has penalized the petitioner, by denying the promotion permanently. No disciplinary proceeding was initiated against the petitioner. The petitioner retired from service on 31.05.2004 and he is praying for notional promotion only upto 01.11.1999.

3.The respondents has acted in bad faith or arbitrarily in breach of principles of natural justice, victimized the petitioner for extraneous consideration by abuse of power and rejected the request of the petitioner for notional promotion upto 01.11.1999, by the impugned order and prayed for allowing the Writ Petition.

4.The respondent filed counter affidavit and denied all the averments made in the affidavit. The learned counsel appearing for the respondent submitted that the promotion to the higher post is not automatic and the performance of the Officer is assessed on various parameters and ranking of the Officers eligible for promotion is arranged in descending order. The respondent considered three officers for promotion for one vacancy and only the officers, who obtained sufficient scores based on the performance, are placed within the zone of consideration. The petitioner, during his tenure, has worked under seven Officers and they have assessed the performance of the petitioner and given scores. If the Inter Personal relationship between the petitioner and his reporting authorities went wrong as stated by the petitioner, it would have been set right by the reviewing authority, while reviewing the score. Due to the petitioner's score, which was given by both the reporting authority and the reviewing authority, he has not come within the zone of consideration. The respondent denied the contention of the petitioner that due to relationship with Sampath Kumar, the petitioner was denied promotion. The petitioner is seeking promotion from the year 1989, after 15 years from the date of his retirement and therefore, the learned counsel prayed for dismissal of the Writ Petition.

5.I have heard the petitioner/Party-in-Person and the learned counsel appearing for the respondent and perused the materials available on record.

6.From the materials on record, it is seen that after rendering 37 years of service, the petitioner retired on 31.05.2004. According to the petitioner, after his promotion to Middle Management Grade (MMG) Scale III in August 1985, he was denied



further promotion for 18 ½ years. According to the petitioner, due to provocation by Sampath Kumar, who was working as Branch Manager at Tiruppathur Branch, where the petitioner was working as Manager, Agri Division, the respondent denied promotion to the petitioner permanently. The said contention was denied by the respondent and he has stated that the petitioner has worked under seven Officers and if one of the Officers gave bad report and the score obtained by the petitioner has not come within the zone of consideration, the petitioner will not be promoted to the next higher post during that year. The contention of the respondent that the promotion of officers is not based on seniority and the promotion to the higher post is not automatic, but, it is based on the performance of Officers, has considerable force.

7. From the materials on record, it is further seen that at every stage, the performance of the Officers including the petitioner, was assessed. If only the score given to the petitioner is within the zone of consideration, he can be promoted to the next higher post. The respondent has given scores of the petitioner from the years 1993 to 2003 and contended that the scores given to the petitioner are not within the zone of consideration for promotion. There is no contra material to reject the said contention. The petitioner, who is seeking promotion from 01.11.1989, has not taken any steps for getting such promotion, when the said promotion was denied. The petitioner has given an appeal dated 28.11.1990 for promotion to Scale IV. The same was rejected by the respondent, by order dated 22.01.1992. The petitioner has not challenged the said order. The petitioner has filed a copy of the appeal petition dated 05.01.1993, in the typed set of papers, captioned 'Appeal against non-promotion to SMGS-IV'', but has not produced any document to show that the copy of the said appeal petition was served on the Managing Director of the Bank. The petitioner has not taken any further action on the alleged appeal, when no order was passed. The petitioner has given representation only on 02.02.2018 and the respondent has rejected the same on 09.02.2018, which is impugned in the Writ Petition. In view of the fact that the promotion of an Officer to a higher post is based on the performance only and the petitioner has approached the respondent for promotion from the year 1989, only on 02.02.2018. The Writ Petition fails and the same is liable to be dismissed. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)



To

The Chief General Manager,
State Bank of India,
Local Head Office,
College Lane, Nungambakkam,
Chennai - 600 006.

+1 CC to Mr.S.SETHURAMAN, Advocate (SR-93313[F] dated 21/10/2019)
+1 CC to Mr.C.RENGARAJ, Party-in-Person (SR-93860[F] dated
23/10/2019)

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