

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.231 of 2014

In
Civil Writ Jurisdiction Case No.10933 of 1997

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1. The Then Bhojpur Rohtas Gramin Bank, earlier Head Office at South Ramana Road, Arrah, P.S. Nawadah (Arrah), District, Bhojpur, now known as Madhya Bihar Gramin Bank, Head Office Meena Plaza, South of Museum, Patna - 1, through its Chairman
 2. The Board of Directors, the then Bhojpur Rohtas Gramin Bank, earlier Head Office at South Ramana Road, Arrah P.S. Nawadah (Arrah), District, Bhojpur, now known as Madhya Bihar Gramin Bank, Head Office Meena Plaza, South of Museum, Patna - 1, through its Chairman
 3. The Chairman, the then Bhojpur Rohtas Gramin Bank, Earlier Head Office at South Ramana Road, Arrah, P.S. Nawadah (Arrah), District, Bhojpur, now known as Madhya Bihar Gramin Bank, Head Office Meena Plaza, South of Museum, Patna - 1, through its Chairman

...Respondents ... Appellant/s

Versus

1. Radhika Devi Wife Of Late Rama Shankar Tiwary
2. Brajesh Kumar Tiwary Son Of Late Rama Shankar Tiwary
3. Amaresh Kumar Tiwary Son Of Late Rama Shankar Tiwary
4. Karunesh Kumar Tiwary Son Of Late Rama Shankar Tiwary
All Residents Of Village - Gorari, P.O. Gorari, Police Station -
Karakat Gorari, Town and District - Rohtas, Presently Posted as Manager
Bhojpur Rohtas Gramin Bank, Darihat, District – Rohtas
.....Petitioners/ Respondent 1st set
5. Shri Beni Madho Singh, Development Manager, Bhojpur Rohtas Gramin Bank, Development Office, Sasaram, District- Rohtas
6. Shri Jainath Pandey, Area Manager, Bhojpur Rohtas Gramin Bank, Bhabua Sub-Division Development Office, Bhabua, District, Kaimur
7. Satish Chandra Jha, Area Manager, Arrah B Bhojpur Rohtas Gramin Bank, H.O. South Ramana Road, Arrah, P.S. Nawadah (Arrah)
8. Shri Awatar Singh, Area Manager, Arrah A Bhojpur Rohtas Gramin Bank, H.O. South Ramana Road, Arrah, P.S. Nawadah (Arrah), District, Bhojpur
9. Shri Baxi A.P. Sinha, Senior Manager, Bhojpur Rohtas Gramin Bank, Arrah, H.O. South Ramana Road, Arrah, District Bhojpur
10. Shri S.D.N. Rai, Senior Manager Personnel Division, Bhojpur Rohtas Gramin Bank, H.O. South Ramana Road, Arrah, District- Bhojpur
11. Sri Raj Narain Tiwary, Area Manager Retired , Bhojpur Rohtas Gramin Bank, H.O. South Ramana Road, Arrah, District- Bhojpur
12. Sri Lal Mohan Ram, Senior Manager, Inspection Department, Bhojpur Rohtas Gramin Bank, H.O. South Ramana Road, Arrah, District- Bhojpur
13. Sri Prakash Tiwary, Area Manager, Bhojpur Rohtas Gramin Bank, Buxar,



District - Buxar

14. Shri Banwari Ram, Senior Manager Retired, Bhojpur Rohtas Gramin Bank, H.O. South Ramana Road, Arrah, District- Bhojpur
15. Sri Sheetal Pd. Chaturvedi, Senior Manager, Bhojpur Rohtas Gramin Bank, H.O. South Ramana Road, Arrah, District- Bhojpur
16. Sri Dwarika Nath Dubey, Area Manager, Bhojpur Rohtas Gramin Bank, Sasaram, District, Rohtas
17. Chinta Kuwar Wife Of Late Chathilal (Wrongly Mentioned As Chatni Lal) Resident Of Mahatma Gandhi Nagar, Katira, Ara, Ward No. - 14, P.S. - Nawada Ara District - Bhojpur Ara
18. Smt. Sunitee Kumari, residing at village & P.O. Oriaha, P.S. Barahara Kothi, District, Purnea, Bihar
19. Sri Shyam Bihari Pandey, Branch Manager, Bhojpur Rohtas Gramin Bank, Adhawra, District - Kaimur
20. Shri Prabhu Nath Lal, Inspector Bhojpur Rohtas Gramin Bank, H.O. South Ramana Road, Arrah, District
21. Sri Tripureshwar Nath Sahay, Branch Manager, Bhojpur Rohtas Gramin Bank, Akhgao Bazar, District - Bhojpur
22. Md. Rafi Ansari, Inspector Bhojpur Rohtas Gramin Bank, H.O. South Ramana Road, Arrah, District – Bhojpur.
23. Shri Brahmeshwar Nath Tiwary, Branch Manager, Bhojpur Rohtas Gramin Bank Karnamepur, District - Bhojpur
24. Shri Bindeshwar Sharma, Branch Manager, Bhojpur Rohtas Gramin Bank Jamalpur, District - Bhojpur
25. Shri Parmanand Pathak, Branch Manager, Bhojpur Rohtas Gramin Bank Nathmalpur Branch, District - Bhojpur
26. Shri Rajeshwar Singh Branch Manager, Bhojpur Rohtas Gramin Bank, Branch Dumrao, District - Buxar
27. Shri Sheo Nath Gupta, Branch Manager, Bhojpur Rohtas Gramin Bank Branch Dhangai Bikramganj Rohtas,
28. Sri Rameshwar Nath Rai, Branch Manager, Bhojpur Rohtas Gramin Bank, Hasan Bazar, District - Bhojpur
29. Shri Prajapati Mishra, Branch Manager, Bhojpur Rohtas Gramin Bank, Jitaura Branch, District - Bhojpur
30. Shri Ram Bihari Chand, Branch Manager, Bhojpur Rohtas Gramin Bank, Sahar Branch, Bhojpur

... Respondents/ ... Respondents 2nd set.

Appearance :

For the Appellant/s : Mr. Suresh Prasad Singh, Advocate
For the Respondent/s : Mr.



CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 10-11-2020

Heard the parties.

It is submitted on behalf of parties that present LPA may be disposed of in terms of order dated 05.09.2017 passed in L.P.A. No.1353 of 2009 (The Bhojpur Rohtas Gramin Bank and Ors. Versus Subash Chandra Thakur and ors. and other analogous matter) as the issue raised in the present LPA is squarely covered by said judgment and order which reads as follows:-

“Having heard Mr. Y.V.Giri, learned Senior Counsel for the appellants, we find that the direction issued in the writ petition was that the writ petitioners have worked in the Bank for a period of 25 years without single promotion and in view of the facts detailed therein, the respondent-Bank was directed to reconsider the matter within a period of two months and explore the possibility of granting promotion to the writ petitioners. This order of the learned Writ Court was stayed in this appeal on 4.1.2011 and as a consequence thereof not given effect to. We are informed that Rules with regard to promotion have changed and new sets of Rules have come into force and consideration cannot be made in accordance with the direction issued by the Writ Court. That apart after a period of more than 15 years the position of the writ petitioners would also



have changed and we find that once no junior to the writ petitioners was promoted and there is nothing on the record to indicate that the writ petitioners have been superseded merely because no promotion was granted to them earlier, the direction in the writ petition was not warranted. Keeping in view the aforesaid, we allow this appeal quash the order passed by the Writ Court and direct that in case any right occurs to the writ petitioners by virtue of the subsequent development and they are still interested in the matter, they may initiate fresh proceeding in accordance with law. With the aforesaid, the appeal stands allowed.”

The LPA is accordingly disposed of in similar terms.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.11.2020
Transmission Date	NA

