

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

**Civil Writ Petition No. 2397 of 2015
Date of Decision : February 28, 2020**

Jitendra Singh

..... PETITIONER(S)

VERSUS

Oriental Bank of Commerce and others

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Praveen Gupta, Advocate, for the petitioner.
 Mr. R.N. Lohan, Advocate, for respondents No.1 & 2.

...

Sanjay Kumar, J.

The petitioner is a Middle Management Grade Scale-II officer in the service of the Oriental Bank of Commerce. He assails its action in not granting him promotion to Middle Management Grade Scale-III on par with his junior, the 3rd respondent. He seeks a further direction to quash the result dated 25.06.2014 published by the Bank, to the extent his name was not included in the list of promotees.

The petitioner entered the service of the Bank as a Clerk on 26.04.1984. He was promoted as an officer in Junior Management Grade Scale-I in April, 1992, and as a Manager in Middle Management Grade Scale-II in January, 2003. He was found fit for promotion to Middle Management Grade Scale-III in the year 2011 along with the 3rd respondent but thereafter, he was subjected to disciplinary proceedings along with the 3rd respondent. Ultimately, the petitioner was visited with the punishment of

reduction from Scale-III to Scale-II. A similar punishment was also imposed upon the 3rd respondent.

The candidature of the petitioner and the 3rd respondent were again considered for promotion to Scale-III during the year 2014-15, when 226 posts in Scale-III were proposed to be filled up. He was called for an interview, *vide* letter dated 12.06.2014, but when the result was declared on 25.06.2014, the petitioner found that his name did not figure therein but the 3rd respondent was selected. This was the basis for filing of the present writ petition.

The respondent-Bank filed its written statement through its Assistant General Manager (HRD) at its Gurgaon Branch. Therein, the Assistant General Manager stated that in terms of the promotion policy, a candidate would be assessed during the interview for a total of 40 marks and the qualifying marks were 50% thereof, *viz.*, 20 marks. He further stated that the petitioner could secure only 16 marks in the interview, while the 3rd respondent secured 23 marks. According to the Assistant General Manager, the last candidate promoted to Scale-III secured 21 marks in the interview and therefore, the petitioner could have no valid grievance.

No replication was filed rebutting the aforestated averments made by the Assistant General Manager.

It is therefore clear that, in terms of the conditions prescribed in the promotion policy, the petitioner failed to clear the grade as he did not secure the minimum required marks in the interview. Without doing so, he cannot claim parity with the 3rd respondent, who seems to have fared better than him in the selection process.

The writ petition is therefore devoid of merit and is accordingly

dismissed.

There shall be no order as to costs.

February 28, 2020
Kang

(Sanjay Kumar)
Judge

Whether speaking/reasoned	Yes
Whether reportable	Yes/No