



W.P.(MD) No.8849 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) Nos.8811, 8818 and 8849 of 2020
and WMP Nos.8073,8078,8079,8083,8085,8086,8111, 8113 and 8114 of
2020 and 14338/2021

P.Selvaraj	... Petitioner in W.P.No.8811
K.Pushparaj	... Petitioner in W.P.No.8818
M.Nambirajan	... Petitioner in W.P.No.8849

-VS-

- 1.The Chairman & Managing Director,
Corporate Office, Indian Bank,
254-260 Avvai Shanmugam Salai
Royapettah, Chennai.
- 2.The General Manager,
Human Resources Management (HRM) Department
Corporate Office, Indian Bank
254-260 Avvai Shanmugam Salai
Royapettah, Chennai.



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3. The General Manager,
The Federation of Indian Bank Employees' Unions,
6 Moore Street, Mannady
Chennai 600 001.

... Respondents in all
W.Ps.

Common Prayer:- Petitions filed under Article 226 of the Constitution of India praying for issuance of Writs of Certiorarified Mandamus to call for the records relating to the order passed by the 2nd respondent in notifications No.HRM:148/2019-20 dated 24.01.2020 and HRMD:167/2019-2020 dated 31.03.2020 and quash the same and consequently directing the 1st and 2nd respondents to issue fresh notification of promotion list including petitioners' names and the names of other employees who were successful in the qualifying written test by taking into account the number of vacancies identified and available for promotion.

For Petitioners : Mr.K.Alagarsamy

For Respondents : Mr.S.Suresh for
M/s.Aiyar & Dolia for R1&R2

COMMON ORDER

Challenging the impugned order of the 2nd respondent dated 24.01.2020 and 31.03.2020 and for a direction to the respondents 1 and 2 to issue fresh notification of promotion list including petitioners' names and



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the names of other employees who were successful in the qualifying written test by taking into account the number of vacancies identified and available for promotion, the petitioners are before this Court with these writ petitions.

2. The case of the Petitioners is that the petitioners are Ex-servicemen. After serving in the defence service and after retirement, they joined in the third respondent Bank as Armed Guard and Sub Staff from 27.02.2017 and at present they are working in the Tirupattur Branch and Currency Chest in Tirunelveli Junction respectively. In the year 2015, the management of the respondent bank entered into a promotion policy settlement from clerical cadre to officer cadre and sub staff to clerical cadre. Accordingly, a notification dated 11.12.2015 was issued setting out terms and conditions of promotion from sub staff to clerical cadre. Accordingly, the bank has to notify the vacancies in the clerical cadre, wherein, 75% has to be filled through direct recruitment and 25% will be by internal promotion, ie, sub staff to clerical. Accordingly, out of the 25%, 50% shall be filled out of the employees, who possess below 10th standard qualification and 50% shall be filled in the order of seniority. As such since



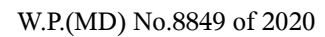
3. The learned counsel for the petitioners would submit that the petitioners association made a representation explaining the total vacancies vide letter dated 29.01.2020 and brought to the notice of the selection board that the total vacancies are 1584, out of which, 1188 are to be filled up through direct recruitment and 396 vacancies should be filled up through internal promotion. However, the said representation was not considered by the respondents and they hurriedly identified only 53 names, out of which the petitioners names do not find place is not sustainable. It is his



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further contention that the petitioners have appealed before the appellate authority through RTI and an order was passed on 28.10.2020 stating that there is no out of turn promotion and 23 vacancies are unfilled, against which, the petitioners preferred second appeal to the Central Chief Information Commission, New Delhi and accordingly, prays for appropriate direction.

4. Refuting the contentions and relying upon the counter affidavit, the learned standing counsel would submit that for the recruitment in the year 2020-21, the Board has identified only 305 vacancies, out of which, 25% would come to 76 vacancies, for which 99 candidates appeared and 53 were finally selected and 23 vacancies remained unfilled. According to the seniority and as per the qualifying examination, the candidates, who are in the rank list based on the service seniority will be selected for promotion by following the reservation scheme. The petitioners belong to General category and based on the service seniority, the petitioners' in W.P.(MD) Nos.8811 and 8849 are coming under general category and the petitioner in W.P.No.8818 belong to OBC category and their name do not find place in





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seniority and 2 years weightage will be given to their previous service. The petitioners obtained cut off marks 100/100 and as such they are fully eligible to be considered for appointment to the post of Clerks. However, 99 candidates appeared in the examination, for 76 vacancy, only 53 were selected by following the roster. However, it is their case that though they obtained more than 40% marks and qualified to be selected as per the roster and seniority, they have to be selected. It is pertinent to note here that as per seniority and communal roster, the respondents have selected the candidates. It is also to be seen that while following the reservation, as per the qualifying examination, the candidates, who are in the rank list based on the service seniority, have been selected for promotion. Accordingly, the 23 posts were unfilled, since there are no suitable candidates as per roster. It is not the case of the petitioners that communal roster should not be followed. As per the notification, the qualifying candidates were to be given promotion and appointment. It is the stand of the respondents that when once there is no eligible candidates as per the communal roster, those posts have to be kept vacant. Accordingly, they have kept the 23 posts as unfilled.



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7. Further it is seen that it is not their case that ineligible candidates have been selected and selection was not based on roster system. When that be so, the contentions raised by the petitioners are unsustainable. Moreover, the petitioners have not impleaded the selected candidates and this writ petitions are liable to be dismissed for non joinder of necessary parties. For all these reasons, the petitioners are not entitled to the relief sought for in the writ petitions. Accordingly, the writ petitions are disposed of in the following terms:

The respondents are directed to identify the vacancies afresh and fill up such vacancies as per the promotion policy and the said exercise shall be completed within a period of six months from the date of receipt of a copy of this order. In such an event, the petitioners are entitled to participate in the selection process.

No costs. Consequently connected Miscellaneous Petitions are closed.

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Index : Yes/No

Internet : Yes

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M.DHANDAPANI, J.

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