

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.684 of 2020

In

Civil Writ Jurisdiction Case No.15117 of 2012

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Pankaj Kumar, Son of Late Rajeshwari Charan, Resident of Flat No. 202, Saubhagya Vatika Apartment, Nehru Nagar, Near Forest Office, Boring Road, Patna, P.S.- Patliputra, District- Patna.

... .. Petitioner/s

Versus

1. The Union of India
2. Mr. Ch. S.S. Mallikarjuna Rao, The Managing Director and CEO, Punjab National Bank, Head Office, Plot No. 4, Sector 10, Dwarka, New Delhi- 110075.
3. Mr. Dinesh Saxena, The General Manager, HRMD, Punjab National Bank, Head Office, Plot No. 4, Sector 10, Dwarka, New Delhi- 110075.
4. Mr. Rajesh Verma, The General Manager, HRDD, Punjab National Bank, Head Office, Plot No. 4, Sector 10, Dwarka, New Delhi- 110075.
5. Mr. P.K. Anand, The Appellate Authority of RTI, Punjab National Bank, Head Office, Plot No. 4, Sector 10, Dwarka, New Delhi- 110075.
6. Mr. S. Sharma, The Central Public Information Officer, Punjab National Bank, Head Office, Plot No. 4, Sector 10, Dwarka, New Delhi- 110075.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Sr. Advocate Mr. Ratanakar Jha, Advocate
For the Opposite Party/s :		Mr. Suresh Pd. Singh No.1, Advocate Ms. Kumari Rashmi, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

8 21-06-2023 The petitioner had approached this Court by filing a writ application giving rise to CWJC No. 15117 of 2012 seeking quashing of an order dated 10.05.2012, passed by the Chief Manager, Circle Office, Patna (HRD Department) Punjab National Bank, whereby rejection of the petitioner's appeal seeking promotion to the post of SMG Scale-IV to MMG-III



scale in the Bank was communicated. This Court disposed of the said writ application by an order dated 21.01.2014, operative portion of which reads as under :-

"5. The impugned order dated 10.05.2012 (Annexure-1), in my opinion, cannot be sustained being non-speaking and unreasoned and is accordingly quashed.

6. The respondent-appellate authority is directed to pass an order afresh on the petitioner's appeal/representation dealing with each and every point more particularly the claim that though the petitioner was in fact awarded 12 marks in the interview, how his marks in the interview taken to be 10. Appellate authority shall also be required to consider the petitioner's claim with regard to lack of his branch experience.

7. It is observed that if the petitioner's representation /appeal is finally decided in his favour and is granted such promotion as claimed by him, the authority shall be required to consider his claim for subsequent promotion which he may be found entitled to. The final decision by the appellate authority in terms of the present order of this Court must be communicated to the petitioner within three months from the date of receipt / production of a copy of this order."

The petitioner had thereafter approached this Court by filing a contempt application giving rise to MJC No. 3028 of 2014 alleging disobedience of this Court's order dated 21.01.2014, passed in CWJC No. 15117 of 2012. The said contempt application was dismissed by an order dated 28.01.2015 taking into account the fact that the Appellate Authority had passed an order dated 05.06.2014, communicated to the petitioner vide letter dated 19.06.2014 (wrongly typed in



this court's order dated 28.01.2015 as 19.05.2014).

This Court, while dismissing the contempt application, observed that the Court in a contempt proceeding could not enter into the legality of the order passed in compliance of this Court's order. The petitioner was, however, given a liberty to approach the appropriate forum questioning the validity of the order dated 05.06.2014.

The petitioner, thereafter, preferred an appeal under Article 136 of the Constitution of India before the Supreme Court giving rise to Special Leave to Appeal (C) No. 12787 of 2015 against this Court's order dated 28.01.2015 passed in MJC No. 3028 of 2014. It is the submission on behalf of the petitioner that during the pendency of the appeal before the Supreme Court, because of the Supreme Court's intervention, the petitioner was granted promotion in the scale of SMG-IV. It is his contention that in the light of the direction given by this Court in the order dated 21.01.2014 passed in CWJC No. 15117 of 2012 the respondents were required to consider his claim for subsequent promotion.

Mr. Bindhyachal Singh, learned senior counsel appearing on behalf of the petitioner has submitted that now since the petitioner has been granted promotion to SMG-IV



scale, in the light of the direction contained in paragraph-7 of the Court's order, it was incumbent upon the authorities of the Bank to consider his claim for subsequent promotion.

It appears, however, from the order passed by the Bank dated 17.01.2020 that the Bank has taken into account the observation made in paragraph 7 of this Court's order dated 21.01.2014. After having considered the petitioner's claim the petitioner was asked to submit his application for subsequent promotion through written examination.

Mr. Singh, learned senior counsel for the petitioner has submitted that it is unreasonable and contrary to the order of this Court that the petitioner is being asked to appear in the written examination for grant of subsequent promotion.

Learned counsel appearing on behalf of the Bank has argued that no case is made out of deliberate disobedience of this Court's order. The order of this Court has been complied with and if the petitioner has any grievance, he could have questioned the legality of the order passed by the Bank on 17.01.2020.

I find substance in submission made on behalf of the Bank. In my considered view, no case is made out of deliberate disobedience of this Court's order.



The contempt proceeding stands dropped accordingly.

The petitioner shall, however, be at liberty to question the validity of the order passed by the Bank dated 17.01.2020 in appropriate proceeding.

(Chakradhari Sharan Singh, J)

Rajesh/Sachin

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