

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3802 of 2023

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Hrishikesh, S/o Sri Ganesh Chaudhary, Resident of Barari Behta, Janakpur Road, Charaut, Post Office- Behta and Police Station- Bhoraht District-Sitamarhi, Presently posted as Manager, Sursand (Code- 0021), Central Bank of India, Muzaffarpur Region.

... .. Petitioner/s

Versus

1. The General Manager (HRD), Central Office Central Bank of India, Chandermukhi Nariman Point, Mumbai, Maharashtra.
2. The Zonal Manager, Central Bank of India, 2nd Floor, Block B, Maurya Lok Complex, Dak Bunglow Road, Patna Bihar- 800001
3. The Regional Manager, Central Bank of India, Pavapuri Vihar, National Highway, Gobarshahi Chowk, Muzaffarpur, Bihar- 842001.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Ajit Kumar, Advocate Mr. Avinash Kumar, Advocate
For the Respondents	:	Mr. Ajay Kumar Sinha, Sr. Advocate Mr. Ajit Kumar Sinha, Advocate Ms. Dilkash Khan, Advocate Ms. Minu Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 01-09-2023

1. Heard learned counsel for the petitioner and learned senior counsel for the respondent-Central Bank of India (hereinafter referred as “Bank”).

2. Learned senior counsel representing the respondent-Bank submits that soft copy as well as hard copy of the counter-affidavit, copy of which has been served on learned counsel for the petitioner, shall be filed during course of the day.

3. The issue pending consideration is petitioner's claim for grant of ad-hoc promotion. The petitioner, a Scale-II



officer, is claiming a promotion in terms of the DPC conducted in March, 2021. It is his case that the result of the promotion committee was kept in a sealed cover on account of pendency of a criminal case lodged by the Central Bureau of Investigation.

4. Learned counsel for the petitioner submits that in terms of the extant provisions governing the grant of promotion, Appendix-X (Annexure-5 to the writ petition), in cases where the result of the DPC is kept in a sealed cover, it is obligatory on the authority to make a six monthly review and on finding the disciplinary proceeding/criminal prosecution to be unduly prolonged, which period has been specified as two years in clause 6.1, and if the employee is not under suspension, then his case is required to be considered for giving him ad-hoc promotion, keeping in view certain aspects specified in clause 6.1 a, b, c, d and e.

5. The submission is that two year period has lapsed in March, 2023 and the petitioner has made a representation for consideration by the authorities to grant him ad-hoc promotion. The petitioner is aggrieved by the inertia of the authorities in proceeding with the matter as per the provision, noted above.

6. Learned senior counsel representing the Bank submits that the grant of ad-hoc promotion under the provision



relied upon by the petitioner is not automatic and there is no right to grant of such ad-hoc promotion, as is apparent from the procedure specified in clause 6 of the provision relied upon by the petitioner.

7. The court, having considered the rival submissions, would find that though it is correct to say that the petitioner cannot as a matter of right claim such ad-hoc promotion, it is obvious that consideration for the same has to be accorded by the authorities, however, having regard to the various provisions and stipulations, taking into consideration the aspects in terms of Rule 6.1 or any other provision which may be required to be taken into consideration in this regard. It is not in dispute that the petitioner's promotion has been kept pending now for more than two years. The Authority, therefore, is obliged to take a decision in terms of the rule in accordance with law.

8. In view there of, this court would direct the General Manager (HRD), Central Office, Central Bank of India, (Respondent No.1) to ensure consideration of the petitioner's case in terms of his representation (Annexure-4 to the writ petition) having regard to various aspects of the matter as per the provisions for grant of promotion, noted above. Let the said



consideration be done by a reasoned and speaking order within a period of four weeks from the date of receipt/production of a copy of this court.

9. Writ application is allowed to the above extent.

(Madhuresh Prasad, J)

shashank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.09.2023
Transmission Date	NA

