

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17649 of 2015

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Rajendra Upadhya Son of Late Ram Niwas Upadhya, Resident of Village - Mubarakpur, P.O. - Gundi, P.S. - Krishnagarh, District - Bhojpur at present house no. 444, Ward No. 10 New Mainpura, P.S. - Danapur Cantt., District - Patna.

... .. Petitioner/s

Versus

1. Punjab National Bank through the Chief Managing Director Cum chairman, Punjab National Bank, Bhicajee Cama Place, New Delhi.
2. The Chief Managing Director Cum chairman, Punjab National Bank, Bhicajee Cama Place, New Delhi.
3. The Assistant General Manager Personnel, Punjab National Bank, Head Office, New Delhi.
4. The Circle Head Circle Office, H.R.D. Section, Punjab National Bank, Chanakya Place, Patna.
5. The Branch Manager, Punjab National Bank Branch, Neora, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ratanakar Jha, Advocate
For the Respondent/s	:	Mr.Prashant Vedasen, Advocate
		Mr.Pawan Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-09-2023 1. The present writ petition has been filed seeking the following relief(s):-

“1. That this writ petition has been filed for issuance of an appropriate order/s, direction/s including a writ preferably in the nature of mandamus commanding and directing upon the respondents to promote the petitioner from the post of Head Cashier to the post of Junior Management Grade-1 taking into the consideration of personnel Division circle no.



1663 dated 20.04.99 of Personnel Division. Head Office, New Delhi providing promotion from clerical to lowest rank of officer cadre JMGI to those ex-service man employee in Bank.

Further, the respondents may be directed to appear in the scale I examination who has been debarred since 2009- 2014 by the Bank authorities even they did not bother to send admit cards not properly intimated him.

The petitioner seeks indulgence of the Hon'ble Court to grant him any other relief/s to which he is entitled in the facts and circumstances of the case.”

2. At the outset, the learned counsel appearing for the respondent-bank has raised a preliminary objection regarding the maintainability of the present writ petition inasmuch as the petitioner being posted as head cashier, falls under the category of workman, hence he is required to avail the remedy, as provided for under the Industrial Disputes Act, 1947. Thus, it is submitted that the petitioner is well advised to approach the competent labour Court, having appropriate jurisdiction.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioner to avail the remedies, provided for under the Industrial Disputes Act, 1947, for redressal of his aforesaid grievances.



4. Accordingly, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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