

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7695 of 2017

=====

Abhishek Jha, S/o Man Mohan Jha, Resident of Mohalla- Hanuman Nagar,
L.I.G. 15/531, P.S. Patrakar Nagar Kankarbagh, District and Town Patna,
Bihar.

... .. Petitioner/s

Versus

1. Central Bank of India through its Zonal Manager, Patna, Zonal Office, Patna
2. The General Manager, Central Bank of India, HRD Department, Central Office, Mumbai.
3. The Zonal Manager, Central Bank of India , Zonal Office, Patna.
4. The Zonal Manager, Central Bank of India , Zonal Office, Kolkata.
5. The Regional Manager, Central Bank of India , Regional Office, Motihari.
6. The Senior Manager, HRD Department Central Bank of India, Zonal Office, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Rajiv Kumar Singh, Advocate

For the Respondent/s : Mr.Ajay Kumar Sinha, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 16-05-2023

The petitioner, an employee of the Central Bank of India, respondent herein, is aggrieved with the fact that the petitioner's request for time to join the promotional post was declined and that his promotion for a further period of 24 months was interdicted only for reason of having declined the



promotion. The petitioner contends that he had sought for time to join the promotional post only because of the medical condition of his parents, whom he had a duty to look after and the employer bank had acted illegally and arbitrarily in declining such request and then vindictively interdicting his promotion for another 24 months.

The petitioner joined the services of the Bank on 19.12.2011 at Siwan under the Regional Office, Motihari. He was promoted to the post of Assistant Manager in Junior Management Grade Scale-I (JMGS-I) (Mainstream) on 28.12.2015, upon which he was also transferred from Patna Zone to Kolkata Zone by Annexure-1 and he was required to join the Zonal Office at Kolkata on 11.01.2016. The petitioner by representations produced as Annexure-2 dated 07.01.2016 requested for 45 days' time to join the promotional post. By Annexure-3 dated 11.01.2016 the Regional Manager, Siwan directed the petitioner to first accept the terms and conditions of the promotion by sending acknowledged copy of promotion letter and thereafter represent his case. Again by Annexure-4 The Regional Manager, Siwan instructed the petitioner to get himself relieved on 12.01.2016 and report to Zonal Office, Kolkata on the next day of relieving.



Thereafter on 12.01.2016 by Annexure-5, again, the petitioner represented to the higher authorities regarding the old age ailments of his parents and sought for 45 days' time. By Annexure-6 the Regional Manager refused to accept the said request for extension of time. The Manager, Central Bank of India, Siwan in the meanwhile had relieved the petitioner on 12.01.2016 by Annexure-7. Hence, by Annexure-8 dated 13.01.2016 the petitioner refused to accept the offer of promotion which was forwarded to the Zonal Office, Patna by Annexure-9 dated 13.01.2016. Eventually, by Annexure-10 dated 09.02.2016 the Regional Manager accepted his request of declining the promotion and further debarred him from participating in the promotion process under All India Service Channel and/or under Normal Channel and officiating officer cadre for a period of 24 months. Again, representations were made by the petitioner by Annexure-11 and 13 dated 16.04.2016 and 24.01.2017 respectively. Since there was no response, the petitioner was constrained to file the above writ petition.

Admittedly, the petitioner was promoted on his own applying for the same and was duly selected by the Bank. On promotion, he was transferred to a nearby Zone upon which he raised the contention of his parents having nobody else to look



after them. The ailments of the parents, as is evident from the representation, are also not those that occurred suddenly and it was fully knowing the circumstances of his parents that he applied for promotion and participated in the selection process. On the first representation being made, the Bank had requested him specifically to accept the promotion first and then seek for an extension for joining. There is absolutely no averment made by the petitioner regarding the petitioner having accepted the promotion. The petitioner continued shooting of representations for granting extension and eventually he declined the promotion offer. It was on the petitioner declining the promotion that he was debarred from participating in the promotion process or officiating in officer cadre for a period of 24 months. The same was also based on a specific rule quoted in the Annexure-10 letter. The petitioner has not challenged the aforesaid rule. It is also to be noticed that now the 24 months' period is long over.

The petitioner having been promoted, refused to accept the promotional post and moved out his present posting despite the representations filed by him having been declined. Even a request for accepting the promotion was not complied with by the petitioner. The petitioner had voluntarily declined the promotion and in that circumstance he would have to suffer the



consequences which arise from the rules regulating the service.

The writ petition is without merit and the same stands dismissed.

(K. Vinod Chandran, CJ)

P.K.P./Anushka

AFR/NAFR	
CAV DATE	
Uploading Date	19.05.2023
Transmission Date	

