

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7635 of 2011

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Rakesh Kumar, son of Mr. Janardan Singh, resident of Hanuman Nagar,
Adampur, P.S.-Adampur, Town and District-Bhagalpur.

... .. Petitioner.

Versus

1. The Dakshin Bihar Gramin Bank, Patna through its Chairman.
2. The Board of Directors-cum-the Appellate Authority, Dakshin Bihar Gramin Bank, Patna.
3. The Chairman, Dakshin Bihar Gramin Bank, Patna.

... .. Respondents.

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Appearance :

For the Petitioner : Mr. Purushottam Kumar Jha, Advocate.
For the Respondent-Bank : Mr. Ranjeet Kumar Pandey, Advocate.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 31-07-2024

In the instant writ petition, the petitioner has prayed
for the following relief(s):

(i) Issuance of an order, direction or a writ in the nature of certiorari quashing Ref No.HO/P/400/2010-11 dated 21.09.2010 (Annexure-8), whereby and whereunder the Respondent No.3, on thoroughly false, malafide, and mischievous grounds, has declined to grant notional promotion to the petitioner on the post of Officer Scale-II in the Respondent Bank, that too, in complete disregard to the order of this Hon'ble Court passed in C.W.J.C. No.9064 of 2001 (Annexure-3).

(ii) Issuance of an order, direction or a writ in



the nature of mandamus commanding the respondents concerned to grant notional promotion to the petitioner on the post of Officer Scale-II in the Respondent Bank w.e.f. 08.11.2000, for which the petitioner is fully entitled to, in view of the order of this Hon'ble Court in C.W.J.C. No.9064 of 2001 (Annexure-3).

(iii) To hold and declare that the action of the respondents concerned in not granting the said notional promotion to the petitioner, on the post of Officer Scale-II in the Respondent Bank w.e.f. 08.11.2000 is highly illegal arbitrary malafide, malicious and unsustainable in the eye of of law tantamounting to the violation of Article 14, 16 and 21 of the Constitution of India, and consequent upon such declaration the respondents concerned may be suitably directed to pay suitable amount as compensation to the petitioner.

(iv) For grant of any other relief or reliefs to which the petitioner may be found entitled to in the facts and circumstances of this case.

2. Petitioner's grouse is that he has not been extended the pay-scale attached to the post of Officer Scale-II with effect from 08.11.2000 vide order dated 16.11.2004, the actual date of promotion. He has been granted retrospective promotion with



effect from 08.11.2000, the date on which his juniors were stated to have been promoted. He has not apprised this Court what was the pay scale extended in the cadre of Officer Scale-II on 16.11.2004, in order to ascertain whether pay-fixation in the cadre of Officer Scale-II was extended or not from 08.11.2000. In other words, he was required to furnish two important documents, namely, what was the pay scale during the intervening period from 08.11.2000 to 15.11.2004 and 16.11.2004 onwards. In the absence of those two material information, the petitioner has not made out a case.

3. Learned counsel for the petitioner pointed out Annexure-8 dated 21.09.2010 to claim that the respondents have failed to extend pay-fixation from retrospective promotion date, i.e., 08.11.2000 (only fixation of pay) and he is not entitled to difference of pay in the light of the Coordinate Bench order dated 19.02.2009 passed in C.W.J.C. No.9064 of 2001. In fact, petitioner has exhausted remedy of contempt petition in which liberty was given. Reading of Annexure-8 dated 21.09.2010, it does not speak of any fixation of pay with reference to pay scale attached to the post of Officer Scale-II.

4. Be that as it may, petitioner has also not apprised this Court to the extent that such of those juniors who were



promoted on 08.11.2000, they have been extended particular pay scale attached to Officer Scale-II and he has not been extended with effect from 08.11.2000 and it was extended only from 16.11.2004. In the absence of material information, the present petition cannot be adjudicated.

5. Accordingly, the present writ petition stands dismissed reserving liberty to the petitioner to approach the concerned authority by submitting a detailed representation highlighting pay-scale attached to the post of Officer Scale-II as on 08.11.2000 read with the fact that his juniors were extended particular pay-scale attached to the post of Officer Scale-II and it has not been extended to the petitioner. If such representation is submitted, the concerned authority shall examine the same and proceed to pass a speaking order and communicate the same to the petitioner at the earliest.

(P. B. Bajanthri, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
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