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W.P.No.16772 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.11.2024

CORAM

THE HON'BLE MR. JUSTICE **BATTU DEVANAND**

W.P.No.16772 of 2018

Basker

... Petitioner

Vs.

1. The Chairman and Managing Director,
UCO Bank Head Office,
No.10, BTM Sarani,
Kolkata 700 001.
2. The General Manager,
UCO Bank,
HRM DEPT, Head Office,
DD Block Sector,
Kolkata - 700 064.
3. The Deputy General Manager,
UCO Bank, Zonal Office,
No.328, Thambu Chetty Street,
Chennai - 600 001.
4. The Assistant General Manager,
UCO Bank,
Pondicherry Main Branch,
Pondicherry.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the entire records in respect of the order No: HO/HRM/MPTP/2017-18/1031, dated 05.09.2017 passed by the first respondent and which was communicated by the third respondent and quash the same and consequently direct the respondent to promote the petitioner MMSG-III with all service and monetary benefits within the time limit fixed by this Court.

For Petitioner : Mr.S.Hariharan
for M/s.D.Rajagopal

For Respondents
for RR1,2 & 4 : No Appearance
for R3 : M/s.T.Hemalatha

ORDER

This petition has been filed to quash the order No: HO/HRM/MPTP/2017-18/1031, dated 05.09.2017 passed by the first respondent and consequently direct the respondents to promote the petitioner in MMSG-III with all service and monetary benefits within the time limit fixed by this Court.

2. Heard the learned counsel for the petitioner and the learned



Standing Counsel for the respondents and perused the materials available on record.

3. The case of the petitioner is that he was appointed as Agricultural Field Officer in Junior Management Scale I on 14.06.1983 in the respondent Bank. Subsequently, he was promoted as Branch Manager under the control of the fourth respondent. The petitioner sought for promotion from MMGS-II to MMGS-III (Middle Management Scale Grade) for the notified vacancies of 623 posts. It appears that the petitioner also sought for rectification of his date of birth. The petitioner was called for interview on 17.05.2017. The second respondent announced results on 02.06.2017 and the petitioner's name was not found. Aggrieved by the same, the petitioner preferred appeal before the first respondent on 12.06.2017. The said appeal was disposed of by the first respondent on 05.09.2017. Aggrieved by the said order, the petitioner is constrained to file this Writ Petition.

4. On behalf of the third respondent a counter affidavit has been filed. It is averred in the counter affidavit that the petitioner is seeking promotion from MMGS-II (Middle Management Grade Scale) to MMGS-III, which is



a selection post and as the petitioner failed in the interview, he is not entitled for promotion.

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5. The learned counsel for the petitioner would submit that the first respondent failed to consider the grounds raised in the appeal in proper perspective and he failed to assign any reasons while turning down the appeal of the petitioner.

6. On the other hand, the learned Standing Counsel for the respondent Bank would submit that as the petitioner failed in the interview conducted for promotion to MMGS-III posts, which is a selection post, the case of the petitioner was not considered for promotion. The appellate authority also turned down the request of the petitioner basing on the recommendation of the Appellate Committee constituted by the Managing Director and CEO of the Bank.

7. The learned Standing Counsel further submits that the Appeal Committee after examining all the documents have come to the conclusion that the appeal filed by the petitioner does not have any merit for



consideration and accordingly, the decision of the Committee is communicated to the petitioner through the order impugned in this Writ Petition.

8. It is an admitted fact that the issue of rectification of date of birth of the petitioner is pending. This Court is not inclined to express any opinion on that aspect as the prayer sought in the Writ Petition is different. On perusal of the impugned order, dated 05.09.2017 it appears that to turn down the request of the petitioner made in the appeal no reasons were assigned by the competent authority. It appears that simply basing on the opinion of the Appeal Committee, the decision was communicated to the petitioner turning down the appeal vide the impugned order.

9. It is settled law that the Statutory Authority, who are dealing with the appeals, has to pass orders by assigning reasons. If any order is passed without assigning reasons, it is in violation of principles of natural justice. On bare perusal of the impugned order, this Court is of the considered opinion that no reasons were assigned by the Appellate Authority while turning down the appeal preferred by the petitioner. As such, it is in



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violation of principles of natural justice and accordingly, it is liable to be set aside.

10. Accordingly, this Writ Petition is allowed with the following directions:

i) The order impugned in this Writ Petition is hereby set aside; and

ii) the matter is remitted back to the first respondent for fresh consideration and pass reasoned order after affording an opportunity to the petitioner by following due process of law.

No costs.

28.11.2024

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

pvs



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