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W.A.No. 2139 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 26.06.2024

DELIVERED ON: 25 .09.2024

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

and

THE HON'BLE MR.JUSTICE KUMARESH BABU

W.A.No. 2139 of 2022

P.Moorthy

.. Appellant

Vs

1. State Bank of India

Rep. By its Chief General Manager,
State Bank of India
Circle Top House, Local Head Office,
Nungambakkam, Chennai- 600006.

2.Deputy General Manager

State Bank of India
Administrative Office New Work I Zone I
No.86, Rajaji Salai,
Chennai -600001.



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3. Assistant General Manager,
State Bank of India,
Regional Business Office,
22, 6th Cross Street,
Gandhi Nagar, Vellore-632006.

..Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 14.06.2022 in W.P.No. 13663 of 2014.

For Appellant : Mr. Balan Haridas

For Respondents : Mr.S.Raveendran, Standing Counsel
For Mr S.Bazeer Ahmed.

J U D G M E N T

(D.KRISHNAKUMAR, ACTING CHIEF JUSTICE.)

Aggrieved by the order passed by the writ court in W.P.No. 13663 of 2014, dated 14.06.2022, the present writ appeal has been filed by the appellant.

Facts in brief:

2. The Appellant was appointed as a Clerk-cum-Typist in the State Bank of India on 16.11.1978, and was subsequently promoted to the post of



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Trainee Officer after undergoing selection and interview on 01.08.1990. He had undergone training for two years and thereafter was posted as Assistant Manager which is equivalent to the post of JMG Grade-I. He was given semi-urban posting in Krishnagiri and he served there till 30.04.1995. Another three years from 01.05.1995 to 30.06.1997 as Assistant Manager at Kaveripattinam and as Deputy Manager at Gudiyatham from 01.07.1997 to 29.06.2003. Thereafter the Respondent Bank offered a Rural assignment to the Appellant in the year 2005, which was not taken up by the Appellant owing to the sickness of his wife. The Appellant did the Rural assignment later from the year 2006 to 2008, thereafter getting his promotion as MMG Scale II. The Appellant/Petitioner represented for retrospective promotion from the year 2002 onwards but only acquired eligibility of Two year Rural service in the year 2008, and hence his representations were denied by the Respondent Bank. Aggrieved by the decisions of the Respondent bank, The Appellant/Petitioner sought for relief through his Writ Petition No.13663/2014, which was dismissed on the grounds that, there is no infirmity in respect of the action taken by the Bank, and hence he is not entitled for retrospective promotion. The Writ Petitioner is now seeking an



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Appeal in this Hon'ble Court under W.A.No. 2139 of 2022.

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3. The Learned Counsel for the appellant submitted that the respondent bank did not offer any rural assignment to the appellant . Only in the year 2005 the respondent bank offered posting to M.Kallupatty, Madurai, due to his personal reason, the appellant could not take the same. Based on the request, the respondent bank accomodated him in Vellore district. There was no refusal on the side of the appellant. While so, the contention of the respondent-bank that the appellant refused rural posting is factually incorrect.

4. The Learned Counsel for the appellant has further submitted that one of the condition for promotion from JMG I to MMG Scale II is the candidate should have completed either two years of rural service or three years of semi urban service. The respondent bank after having prescribed such condition, it is for the respondent bank to provide rural/semi urban service and make the appellant eligible for promotion, therefore, the respondent-bank cannot deny promotion. The rural assignment was offered



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to the appellant only on 19.08.2006 and the appellant completed the same on 20.01.2009.

5. The learned counsel for the appellant has further submitted that the rural assignment should have been granted to the appellant during the year 1998 and the appellant should have been promoted to MMG Scale II w.e.f. 01.11.2000. In any event the appellant already rendered three years of semi urban service as per circular dated 25.06.1999 and therefore the appellant was fully eligible for promotion to MMG Scale II with effect from the year 2000. The writ court without considering the above factual aspects, dismissed the writ petition, therefore the same is liable to be aside.

6. The Learned standing counsel appearing for the respondent bank has submitted that the appellant was not entitled for retrospective promotion, as he acquired the eligibility of two years of rural services only in the year 2008 and thereafter, he was granted promotion to the cadre of MMG Scale II from the date of completion of two years of rural services as per the circular, which mandates the pre-requisite qualification of two years rural service for promotion to the post of MMG Grade II. Since the



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appellant did not possess the requisite qualification at the relevant point of time, the claim of the appellant for retrospective promotion is untenable.

The writ court has rightly rejected the claim made by the petitioner, therefore, nothing warrants interference by this Cour.

7. Heard Mr. Balan Haridas, learned counsel for the appellant and Mr.S.Raveendran, learned standing counsel appearing for the respondent-bank and perused the materials available on record.

8. The contention of the appellant is that as per the circular dated 25.06.1999 his three years of service rendered in semi-urban branches from 01.05.1995 to 30.06.1997 in Kaveripattinam as Assistant Manager and from 01.07.1997 to 29.06.2003 in Gudiyatham as Deputy Manager is equivalent to two years of service in a rural branch. Thereby, the Respondent ought to have promoted the appellant in the year 2000 itself and consequently, he is eligible for notional promotion and monetary benefits from the year 2000.

9. The only point to be considered in this appeal is whether the



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appellant had fulfilled the requirements for his claim as mandated under relevant rules and policies.

10. The relevant portion of the circular dated 25.06.1999 relied by the appellant is as follows:

"In terms of the Government of India guidelines, the officers promoted to MMG Scale II/III with effect from 1st August, 1988 had to complete 2/3 years of Rural/Semi-Urban assignments as a necessary condition for promotion"

11. The learned standing counsel appearing for the respondent-bank has produced the State Bank of India Officer's Service Rules, 1992, wherein the requirement for promotion to the cadre of MMG Scale II is prescribed as follows;

"18. In respect of officers who have not completed the required period of service at Rural/Semi-urban branch(es) the procedures adhered for promotion to MMG II/MMG III w.e.f. 01.08.1988 will be followed which are detailed as below;

For promotion from

Minimum period of service

JMG Scale I to MMG Scale II

Minimum 2 years
service in a rural branch.



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MMG Scale II to MMG Scale III

*Minimum 3 years
service in a rural branch
and or/semi-urban
branch."*

12. According to the appellant he was not given rural assignment immediately till he was posted to Sempalli Branch (rural) as Branch Manager from 19.08.2006 to 21.01.2009. Therefore, without any fault on the part of the appellant, he was denied promotion from the actual date on 01.11.2000.

13. The records reveal that when the appellant was working in Madurai module in the year 2005, he was offered rural posting to M.Kallupatti Branch (rural) in July 2005 by the respondent-bank, but the appellant refused to take the rural assignment for his personal reason that his wife was bedridden. The said circular dated 25.06.1999 relied by the appellant also mandates in Clause III (b) that *"if an official is unable to complete the mandatory rural/semi urban assignment for reason attrubutable to him/her, the said promotion is due to be withdrawn."*



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14. The records further reveal that though the appellant has completed his two years of mandatoray rural assignment only on 18.08.2008, he was promoted to the post of MMGS-II w.e.f. 02.08.2008 i.e from the date of declaration of final results for promotions to MMGS II for the year 2008-2009. It is also relevant to extract the Column II (b) (c) of the above circular dated 25.06.1999.

(b). An officer, not willing to go for R/SU assignment due to changed circumstances, will make a request in writing giving the reasons for withdrawal of promotion. In case no request is made in writing by the officer and he/she doesn't go for R/SU assignment, his /her promotion will be withdrawn as it was subject to the completion of the R/SU assignment, in terms of his/her undertaking.

(c) The officer can be considered for promotion subsequently with effect from a prospective date, if otherwise eligible, as per the promotion policy/placement norms in vogue at the material time, if he/she completes all the mandatory assignments beforehand. Minimum period for eligibility for considering him/her for next promotion will be two years as has been laid down in the Department Policy."



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WEB COPY 15. It is not in dispute that as per the above circular and State Bank of India Officer's Service Rules 1992, two years of rural service is mandatory for promotion to the post of MMGS-II and it is also not in dispute that as per the request made by the appellant, the respondent-department posted the appellant in the nearby village for more than one occasion. The above circular clearly mandates that only prospective effect can be given to the employees from the date of effect of promotion to the post of MMGS-II after completion of mandatory period of two years of service in rural areas.

16. Based on the submissions made and the records examined, it is evident that the appellant was granted promotion to MMG Scale II from the date of completion of two years of rural service in accordance with the circular dated 25.06.1999 and as per the procedure laid down in State Bank of India Officer's Service Rules 1992. The appellant's contention that he should have been promoted with effect from 01.11.2000 is not substantiated by the mandatory requirements stipulated in the circular and the Service Rules, particularly given his refusal to accept the rural posting offered by the



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respondent-bank in the year 2005.

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WEB COPY 17. The State Bank of India Officer's Service Rules 1992, explicitly states that the completion of rural assignments for a period 2 years is a pre-requisite condition for promotion to MMG Scale II. The appellant's refusal of the rural posting due to personal reasons, does not alter the requirement as mandated the promotion policy. The subsequent assignment and completion of rural service in 2008 were appropriately recognized by the respondent bank, leading to the appellant's promotion effective from 02.08.2008, which aligns with the promotion policy.

18. Furthermore, the circular also provides that promotions are to be withdrawn if the officer does not undertake the mandatory assignments unless a written request is made and approved. The appellant's failure to undertake the rural assignment when initially offered precluded the possibility of an earlier promotion.

19. In light of the foregoing discussions, the appellant has not established any acceptable ground for granting the relief as sought for in this



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appeal. Consequently, the appellant's claim for notional promotion and monetary benefits from the year 2000 is unfounded and without any merit.

20. In the result, the impugned order of the writ court in dismissing the appellant's claim is perfectly valid and does not require any interference by this Court. Accordingly, this writ appeal is dismissed. No costs. Consequently, connected Miscellaneous Petitions, if any are closed.

[D.K.K. A.C.J.,] [K.B., J.]

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Index: yes/no

Internet:yes

Speaking Order/Non speaking order

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**D.KRISHNAKUMAR, A.C.J.,
&
K. KUMARESH BABU, J.**

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**Pre-Delivery Judgment in
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