



W.P.Nos.18607, 24822 & 24823 of 2017.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2024

CORAM

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.Nos.18607, 24822 & 24823 of 2017

A.Kavitha ...Petitioner in W.P.No.18607 of 2017

G.Yuvaraja ...Petitioner in W.P.No.24822 of 2017

P.Sudha ...Petitioner in W.P.No.24823 of 2017

Vs.

1.State Bank of India,
Rep., by its Chairman,
Corporate Centre,
State Bank Bhavan,
Madame Cama Road,
Mumbai 400 021.

2.The Chief General Manager,
State Bank of India,
Local Head Office,



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No.16, College Lane,
Chennai-600 006.

3.The General Manager-NW-I,
(Appointing Authority)
State Bank of India,
Local Head Office,
No.16, College Lane,
Chennai-600 006.

4.The Assistant General Manager-HR
State Bank of India,
HR Department,
Local Head Office,
No.16, College Lane,
Chennai-600 006.

... Respondents in all W.Ps

Prayer in W.P.No.18607 of 2017: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, praying to call for the records from the 3rd respondent and 4th respondent, quash the order of the 3rd respondent dated 10.07.2017 and the consequent order of the 4th respondent dated 12.07.2017 bearing HR:LAW:1242 as illegal, arbitrary and contrary to law and consequently direct the respondents to retain/reinstate/absorb the petitioner as Officer-Marketing and Recovery with full back wages, continuity of service and all other attendant benefits.



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Common Prayer in W.P.Nos.24822 & 24823 of 2017: Writ Petitions filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, praying to call for the records from the 3rd respondent to quash the order of the 3rd respondent dated 10.07.2017 as illegal, arbitrary and contrary to law and consequently direct the respondents to retain/reinstate/absorb the petitioner as Officer-Marketing and Recovery with full back wages, continuity of service and all other attendant benefits.

For Petitioner

in All W.Ps : M/s.Balan Haridas

For Respondents

in All W.Ps : Mr.S.Ravindran

for Mr.K.Chandrasekaran

COMMON ORDER

The petitioners herein were selected and appointed as Officers-Marketing and Recovery (Rural) in the respondents/Bank and the said post is to be governed by the Officer-Marketing and Recovery (Rural) Service and Conduct Rules, 2004, framed under the State Bank of India Act, 1955. The petitioners were appointed on contract basis and in terms of the said contract, the petitioners are required to achieve certain targets with regard to sourcing and recovery of the loans. It is only on satisfying and achieving the prescribed



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targets, the service of the petitioners would be absorbed. In the said process, the performance of the petitioners during the financial year 2009-2010, was considered and having found that the petitioners have not achieved the required targets, their services have not been absorbed. It is aggrieved by the said orders, the petitioners have approached this Court earlier by filing W.P.No.9904 of 2011 and this Court, after having considered the matter, remanded the matter back to the respondents/Bank for re-considering the case of the petitioners. Accordingly, the case of the petitioners were considered by the respondents/Bank and through the respective orders impugned in the respective writ petitions, the claim of the petitioners for permanent absorption was rejected on the ground that the petitioners failed to achieve the required targets. It is aggrieved by the said order, the petitioners have approached this Court once again by filing the present writ petitions.

2.The respondents/Bank filed the detailed counter affidavit.

3.This Court heard learned counsel for the petitioners and learned Senior counsel for the respondents/Bank and also perused the entire materials



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available on record.

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4. On hearing the counsel on either side, the first issue that arise for consideration of this Court is as to whether the action of the respondents/ Bank in excluding the loans advanced towards Self Help Group Scheme, is justified or not, and another issue that arise for consideration is as to whether the entire loans sanctioned on Housing term loan, is to be taken into consideration, or only the amounts disbursed in the relevant financial year, shall be taken into consideration.

5. The respondents/Bank have not taken into consideration, the loans advanced under the Self Help Group Scheme and considered the amounts that were disbursed during the respective financial year only under Housing Term Loans.

6. The learned counsel for the petitioners placed reliance on the decision of the **Kerala High Court in W.P (C).No.7978 of 2017-V dated 29.10.2018** in the case of **Nikhil Krishnan.G vs. State Bank of India** wherein, the respondents/Bank therein was directed to take into consideration the loans that were advanced towards Self Help Group Scheme, while assessing the



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performance of the petitioners therein.

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7.The learned Senior Counsel appearing for the respondents/Bank after having taken note of the decision referred to above of the Kerala High Court, wherein the loans that were advanced in Self Help Groups, were directed to be taken into consideration for the purpose of assessing the achievement of the petitioners therein fairly submitted that the respondents/Bank ought to have considered the same for petitioner as well. In view of the same, there is no necessity to examine the matter in detail and the respondents/Bank is under an obligation to take into consideration the loans that were advanced under Self Help Group Scheme by the respective petitioners herein.

8.Then coming to the aspect of the housing term loans, the learned counsel for the petitioners placed before this Court the performance review of OMR's for the year 2010-11 namely V.Tholkappian, P.Kalaimathi and A.P.Gayathiri. From a perusal of the said performance review in respect of the above said three OMR's, it is noticed that the entire loan sanctioned under housing term loans, is taken into consideration for the purpose of assessing



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the achievement of the said OMR's, instead of the amounts actually disbursed.

Further, it is also noticed that the loan sourced by A.P.Gayathiri and sanctioned at branch level, were also taken into consideration for the purpose of assessing the achievement of the said A.P.Gayathiri. But according to the learned counsel for petitioner, the same treatment was denied in respect of the petitioners herein. If the above said three named OMR's were extended the benefit of considering the entire loan amounts sanctioned under the housing term loans and their services were permanently absorbed, it is not understood as to why the same benefit should not be extended to the petitioners herein.

9. In the circumstances, on the ground that the loans were sanctioned under Self Help Group Scheme and on the ground of not taking into consideration the entire loan amounts sanctioned under Housing Term Loans, the respective impugned orders are liable to be set aside. Accordingly, the impugned orders are set aside.

10. Consequently, the matter is remanded back to the 3rd respondent for re-considering the matter afresh, by duly taking into consideration the



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observations made in this order. If the benefit of considering the entire housing loan amounts sanctioned, is taken into consideration in respect of others and the loans that are sourced at Branch level are also taken considered in respect of other similar candidates and their services are permanently absorbed, the similar benefits shall also be extended to the petitioners herein also. The petitioners are also granted liberty to submit appropriate representation before the 3rd respondent, by duly placing the entire materials which they intend to rely upon in support of their claim, within a period of three weeks from the date of receipt of a copy of this order.

11. On submissions of such representations, the 2nd respondent shall consider the above issue and pass appropriate orders, as expeditiously as possible, at any rate within a period of two months from the date of submission of the petitioners' representation.

8. Accordingly, the writ petitions are disposed of. No costs.

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Internet: Yes/No



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Index: Yes/No
Speaking/Non-speaking order

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