



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP-8604-2021 (O&M)
Date of Decision:24.07.2024**

Raj Kumar and another

.....Petitioners

versus

Sarva Haryana Gramin Bank and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. B.S. Mittal, Advocate for the petitioners.

Mr. Bhushan Bhatia, Advocate for respondent-bank

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the order dated 30.03.2021 (Annexures P-2 and P-3) whereby respondent No.1 wrongly and illegally declared the petitioners ineligible for promotion to the post of Officer Middle Management (Scale-III) by ignoring the order dated 07.10.2020 passed by Hon'ble Tripura High Court (Annexure P-7).

2. Learned counsel for the petitioners submitted that it is a case where the petitioners were denied promotion to the post of Officer Middle Management (Scale-III) vide impugned orders dated 30.03.2021 (Annexure P-2 and Annexure P-3) on the basis of circular dated 04.12.2019 issued by NABARD Mumbai which has already been set aside by the judgment of Hon'ble Tripura High Court vide Annexure P-7 and further the same has been upheld by a Division Bench of that High Court itself. He further submitted that once the aforesaid circular has

already been set aside, then the petitioners could not have been non-suited.



3. On the other hand, learned counsel for respondent-Bank submitted that infact during the pendency of the present petition, the petitioners have already been promoted to the post of Officer Middle Management (Scale-III) on 22.04.2022.
4. Learned counsel for the petitioners submitted that in view of the aforesaid factual development which has taken place during the pendency of the present petition, the petitioners have been promoted but now the limited prayer is that they ought to have been promoted by granting deemed date of promotion/ earlier date i.e. when their promotion was to be considered with all consequential benefits.
5. After hearing learned counsel for the parties, this Court is of the view that since the petitioners have already been promoted as per the learned counsel for the respondent-Bank and now the prayer of the petitioners is limited only for grant of promotion from the retrospective date, it is directed that in the event of the petitioners filing any such representation for grant of aforesaid limited prayer of promotion with retrospective effect or any other relief is so claimed, then the respondent-bank/competent authority shall consider and decide the same by passing a well-reasoned speaking order and within a period of three months thereafter after affording an opportunity to the petitioners or their counsel.
6. Disposed of in the aforesaid terms.

(JASGURPREET SINGH PURI)
JUDGE

24.07.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No