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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 10819/2024**

SHRI AVTAR SINGH JUNEJA

.....Petitioner

Through: Mr. Sahil Goel and Mr. Mohit Bindra,
Advocates

versus

PUNJAB AND SIND BANK & ANR.

.....Respondents

Through: Mr. Rajat Arora, Mr. Sneh Vardhan,
Mr. Saurabh Mahla and Mr. Niraj Kumar,
Advocates

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

06.08.2024

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1. This writ petition has been preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking a direction to the Respondents/Punjab & Sind Bank to grant promotions to the Petitioner as granted to his juniors.
2. Issue notice.
3. Mr. Rajat Arora, learned counsel accepts notice on behalf of Respondents.
4. Brief facts to the extent relevant are that Petitioner was appointed as a Clerk with the Bank in 1974 and was promoted to the post of Officer in Scale-I in 1983. CBI arraigned the Petitioner as one of the accused in case bearing RC No.48(A)/91 CBI/ACB/New Delhi in the year 1991, wherein charge sheet was filed before the learned Special Judge in July, 1997.



5. It is averred that despite numerous opportunities granted to the CBI, prosecution failed to file the Relied on Documents as well as Statements of Witnesses under Section 161 Cr.P.C. and the learned Special Judge vide order dated 13.11.1997 consigned the file to the record room with liberty to revive the case or in the alternative, file a fresh charge sheet. In November 1999, CBI moved an application for revival of the case, which was revived but subsequently again on 11.07.2001, the file was consigned.

6. In the meantime, the Bank conducted comprehensive probe and inquiry through fact finding committees which resulted in suspension of the Branch Manager Sh. Jagjit Singh Chaudhary but no incriminating material was found against other staff including the Petitioner. Mr. Chaudhary was later reinstated. In September 2010, Mr. Chaudhary filed a writ petition in this Court being W.P.(C.) 6480/2010 seeking direction to the Bank to grant him promotion and other service emoluments with consequential reliefs.

7. Petitioner retired from service on 30.03.2014 but he was not given promotion on account of pendency of the CBI case till the date of his retirement. On 07.09.2015, Petitioner along with the other accused persons except Mr. Chaudhary was discharged by the CBI Court and Mr. Chaudhary was later acquitted vide judgment dated 16.02.2019. When the writ petition filed by Mr. Chaudhary came up for consideration, the stand of the Bank was that he was considered during the pendency of the criminal trial but the recommendations of the DPC for promotion to Scale-V were kept in a sealed cover. Mr. Chaudhary was shortlisted and put on the panel provisionally for promotion subject to existence of vacancy which arose on 01.06.2010 but due to the pendency of the criminal case the sealed cover was not opened. The writ petition was allowed by the Court on 04.05.2022



directing the Bank to grant pecuniary benefits and all service emoluments with consequential reliefs to Mr. Chaudhary from 01.06.2010 when the vacancy of SGM-C-V (AGM) arose. It is stated that Petitioner learnt later that all the benefits were granted to him including enhancement of his pension and payment of arrears.

8. Petitioner states that on this basis he sent a representation to the Bank on 24.01.2024 seeking promotion increments with arrears and revised pension arrears. This was followed by a reminder on 27.03.2024 and a legal notice dated 26.04.2024, but to no avail.

9. The limited grievance of the Petitioner is that he cannot be deprived of promotion or resultant seniority fixation after the criminal trial has concluded and he has been discharged of the alleged offences. Reliance is placed on the policy of the Bank which provides that where an officer is completely exonerated, promotion will be given effect to from the date it was otherwise due and 'complete exoneration' has been clarified to mean that the employee is not found blameworthy. It is contended that the main accused in the criminal case Sh. Chaudhary who was also kept under suspension and later acquitted has been given benefits of promotion with all consequential benefits and there is no reason why a similar treatment be not given to the Petitioner.

10. Heard counsel for the Petitioner and examined his submissions.

11. From the chronology of dates and events, it is clear that the CBI case was registered bearing RC No.48(A)/91 CBI/ACB/New Delhi and charge sheet was filed by CBI in July 1997. Petitioner retired from the services of the Bank on 30.03.2014 and was later discharged by the CBI Court on 07.09.2015. There is no explanation in the entire writ petition as to what



prevented the Petitioner from taking recourse to legal remedies seeking promotion from 2015 till date. The only explanation rendered in the writ petition is that the writ petition filed by Sh. Chaudhary in 2010 was pending and Petitioner was awaiting its outcome and learnt of its disposal only on 24.09.2023 on the date of cremation of the other co-accused Late Sh. N.K. Nagpal, whereafter Petitioner made representations seeking promotion. It is also not clear from the averments in the writ petition as to whether the case of the Petitioner was considered for promotion during the pendency of the criminal trial and the recommendation of the DPC was placed in a sealed cover so as to place the Petitioner at par with Sh. Chaudhary.

12. On a pointed query, learned counsel for the Petitioner is unable to throw any light on whether the case of the Petitioner was ever considered for promotion and submits that it would suffice if a direction is issued to dispose of the representations of the Petitioner at this stage. It is urged that Petitioner did not receive any promotion from 1991 till his retirement in 2014 despite his excellent performance and exemplary ACRs only on account of the CBI case, in which he was discharged and his case is on a better footing than Sh. Chaudhary and it would be travesty of justice if a different treatment is meted out to him.

13. In view of the submission made by the counsel for the Petitioner, at this stage, this writ petition is disposed of with a direction to the Respondents to decide the representations of the Petitioner dated 24.01.2024 and 27.03.2024 pending with the Bank, within a period of 8 weeks from today. Liberty is granted to the Petitioner to take recourse to legal remedies in case of any surviving grievance.

14. It is made clear that this Court has not gone into the question of delay



and laches in the present petition and this question is left open in case the Petitioner takes recourse to further legal remedies, to be decided at the appropriate stage.

JYOTI SINGH, J

AUGUST 06, 2024/kks