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

+ **W.P.(C) 14591/2024**

SHAILESH KUMAR JHAPetitioner

Through: **Mr. Aman Kumar, Advocate.**

versus

UNION OF INDIA AND ORS.Respondents

Through: **Ms. Sangita Malhotra and Ms. Pallavi Talwar, Advocates for Respondent No.1/UOI.**

Mr. Dinesh Sharma, Ms. Likivi Jakhalu and Mr.Kushagra Niles Sahay, Advocates for Respondent No.2.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

18.10.2024

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1. This writ petition has been preferred on behalf of the Petitioner under Article 226 of the Constitution of India assailing the order dated 13.08.2024 whereby his representation dated 05.04.2024 against non-promotion from Scale V to Scale VI in the 13th Selection Process to the post of Deputy General Manager in Punjab National Bank ('PNB')/Respondent No. 2 has been rejected. Writ of mandamus is sought to Respondent No. 2 to produce the record pertaining to the promotion process as well as the video and audio recordings of the interview process.

2. Facts to the extent necessary are that Petitioner joined PNB as Financial Analyst on 24.10.2005 whereafter he joined the Allahabad Bank on 16.02.2008 as Manager (Credit) & Financial Analyst. On 04.05.2010,



Petitioner joined Union Bank of India ('UBI') as Senior Manager (Credit). On 01.04.2020, UBI, OBC and PNB were unified and Petitioner continued as an employee of PNB. On 29.05.2023, Petitioner was transferred to Delhi and is currently serving in ELCB.

3. It is averred that on 06.10.2023, PNB issued a Notification for promotions. Petitioner applied for promotion from Scale V to Scale VI and successfully passed the written examination. Interview was conducted on 09.03.2024 and as per the Petitioner, he had correctly answered all the questions put by the Interview Committee and was hopeful that he would get his promotion. However, when the result was declared on 01.04.2024, Petitioner was not promoted and aggrieved, he submitted a representation on 03.04.2024, further modified on 05.04.2024 which was rejected on 13.08.2024, which led to the filing of this writ petition.

4. Issue notice.

5. Counsels, as above, accept notice on behalf of the Respondents.

6. Petitioner has made detailed representation dated 03/05.04.2024 bringing out the reasons why he deserves promotion to Scale VI in PNB. Representation was rejected and the decision was communicated to the Petitioner by a non-speaking and unreasoned order simply intimating to the Petitioner that the Committee after due deliberation and critical examination of the submissions made in the representation and the facts on record did not find any cause to alter the decision of non-promotion. From a bare reading of this communication, there is no trace of doubt that no reason is forthcoming as to why the Competent Authority examining the representation of the Petitioner found it fit to reject the same. The communication is also silent on the reason for non-promotion of the



Petitioner, which in my view, the Petitioner is entitled to know having been unsuccessful in getting his promotion. For ready reference, relevant part of the communication dated 13.08.2024, is extracted hereunder:-

“ ...

Representation against non-promotion from

SMG 5-V to TEG S-VI in the Promotion Process 2024-25

Please refer your representation dated 05.04.2024 against your non-promotion in the Promotion Process 2024-25 held in March, 2024.

Your representation against non-promotion in the above Process was placed before the Committee constituted for examining the representation against non-promotion. The Committee after due deliberation and critical examination of the submissions, made in your representation and the facts on records, did not find any cause to alter the decision taken earlier. Hence your representation has been rejected.

This is for your information, please.

...”

7. It needs no reiteration that a reasoned and speaking order is heart and soul of any decision which not only enables the employee aggrieved to know the reason which has weighed against him in the mind of the Competent Authority to disagree with the issues flagged by him in his representation and/or the reasons which have led to rejection of his claims on merit but also enables the Court to test the legality of the order impugned.

8. Accordingly, at this stage, without entering into the merits of the case, this writ petition is disposed of directing the Competent Authority of Respondent No.2 to revisit the decision with respect to the representations dated 03/05.04.2024 of the Petitioner and pass a reasoned and speaking order. Decision shall be taken within six weeks from the date of the receipt



of this order and will be communicated to the Petitioner within one week thereafter, who will be at liberty to take recourse to legal remedies, in case of any surviving grievance.

OCTOBER 18, 2024
B.S. Rohella/shivam

JYOTI SINGH, J