



W.P.No.23882 of 2019

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2025

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.23882 of 2019

S.Rajan

... Petitioner

Vs.

1. Indian Overseas Bank,
Rep. by its Chairman and Director,
Central Office,
No.763, Anna Salai, Chennai - 600 002.
2. The General Manager,
HRMD (Human Resources Management Department),
Central Office,
Indian Overseas Bank,
No.763, Anna Salai,
Chennai - 600 002.
3. The Chief Manager,
PAD (Personnel Administrative Department)
Central Office,
Indian Overseas Bank,
No.763, Anna Salai,
Chennai 600 002.



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4. The Chief Regional Manager,
Indian Overseas Bank,
Regional Office Kancheepuram,
No.20-21, Kamaraj Street,
Kancheepuram - 631 501.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the second respondent to fix the effect date of promotion to the petitioner to the post of Junior Management Grade Scale - I as 12.08.2016 and consequently, provide him the benefit of the said grade including monetary benefits and seniority with effect from the said date and to return all the original certificates submitted by him along with his application for special promotion dated 09.02.2017 within the time frame fixed by this Court.

For Petitioner : Mr.T.Ramkumar
For Respondents : Mr.K.Srinivasamurthy

ORDER

This Writ Petition has been filed to direct the second respondent to fix the effect date of promotion to the petitioner to the post of Junior Management Grade Scale - I as 12.08.2016 and consequently, provide him the benefit of the said grade including monetary benefits and seniority with effect from the said date and to return all the original

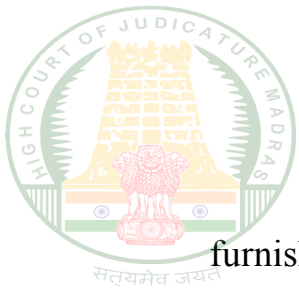


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certificates submitted by him along with his application for special promotion dated 09.02.2017.

2. Heard Mr.T.Ramkumar, learned counsel for the petitioner, Mr.K.Srinivasamurthy, learned Standing Counsel for the respondents and perused the materials available on record.

3. The petitioner joined the service of the respondent Bank on 12.06.2013. As per Clause 11(1)(f) of the Settlement dated 25.06.2012, special promotions are provided to the employees of the Bank. As per the Settlement, any employee in the clerical cadre who acquires qualification of MCA after joining the Bank with an average of 60% can be considered for promotion to the officer cadre provided he has passed certified Associate of the Indian Institute of Bankers (CAIIB) (both parts). The petitioner has acquired MCA qualification by obtaining more than 60% marks. The petitioner submitted an application to the bank with all the required documents and that has been forwarded to the third respondent with the recommendations of the fourth respondent. As per the communication received from the fourth respondent, the petitioner has



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furnished his original certificates evidencing his claim for promotion.

But so far, no order has been passed.

4. The petitioner was informed by the third respondent that they did not receive the original documents from the fourth respondent. So the petitioner was making various representations to the second respondent to take appropriate action on his application for special promotion. In the meanwhile, vacancies arose for the post of Management Scale I under the regular channel and in the said vacancy, the petitioner was granted promotion based on his performance in the examination and he was promoted with effect from 08.07.2017 to the post of Junior Management Grade Scale I (Assistant Manager). However, the petitioner is entitled to be promoted to the said post under special promotion scheme as per the Settlement, with effect from 12.08.2016. As the petitioner has got the required qualification to the said post on 12.08.2016, he has filed this Writ Petition seeking the date of promotion to be fixed as 12.08.2016 and grant him the consequential service benefits.



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5. The learned Standing Counsel for the respondents submitted that even though the petitioner is entitled to the special promotion, the same can be given to him subject to certain conditions governing special promotion. As per the terms, the petitioner ought to have informed about the additional qualification within two months from the date of declaration of results. In the instant case, despite he acquired his qualification in the year 2016 itself, he did not choose to inform the same within two months of the results published and hence, he was given with promotion only on 08.07.2017 and he was given with an order to that effect on 24.07.2017.

6. The petitioner did not choose to challenge the promotion order dated 24.07.2017 which make a specific mention that his promotion will take effect only from 08.07.2017. By accepting the promotion and joined the promoted post and reported for duty at a place where he was posted, now the petitioner cannot raise a claim that his promotion should be treated to be taken effect from 12.08.2016. As the petitioner did not base his claim on the basis of the materials showing that he had promptly



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conveyed his acquiring additional qualification within two months and the failure on the part of the respondents who passed delayed orders.

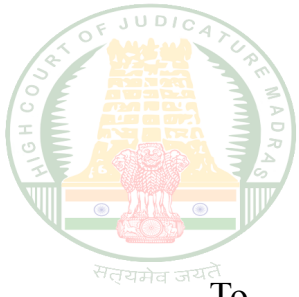
Hence, I do not find any merits in this Writ Petition and hence, this Writ Petition is dismissed.

7. It is learnt that the petitioner has got the results only on 05.01.2017 and he is said to have furnished information about the same within two months. In such case, it is difficult to understand how the petitioner claims to give effect to his promotion from 12.08.2016, even when the results were published only in the year 2017. Hence, I do not find any merits in the claim made by the petitioner to entertain this Writ Petition.

8. In the result, this Writ Petition is dismissed. No costs.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

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R.N.MANJULA, J.

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