



W.P.No. 1613 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.03.2025

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.1613 of 2023

Pramod Kumar Thakur

.. Petitioner

Versus

The MD & CEO

(Managing Director & Chief Executive Officer)

Indian Overseas Bank,

763, Anna Salai, Chennai 600 002

..Respondent

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to dispose of the appeal dated 20.09.2021 made by the petitioner and open the sealed cover and publish the Departmental promotion result to promote the petitioner to scale V, to give details of petitioner's performance/marks obtained in different parameters including including minimum cut off marks for selection in the promotion process 2021 for Scale IV to Scale V and pass orders.

For Petitioner

: Mr.Pramod Kumar Thakur
(party in person)

For Respondents

: Mr. K. Srinivasa Murthy
Standing Counsel



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ORDER

This petition is filed to dispose of the appeal dated 20.09.2021 made by the petitioner and open the sealed cover and publish the Departmental promotion result to promote the petitioner to scale V, to give details of petitioner's performance/marks obtained in different parameters including including minimum cut off marks for selection in the promotion process 2021 for Scale IV to Scale V and pass orders.

2 . The facts of the case is that the petitioner is an employee of the Indian Overseas Bank. The grievance of the petitioner is that the petitioner participated in promotion process 2021 for promotion from scale 4 to scale 5 but was denied the promotion. The Respondent is the Appellate authority for promotion. The sum and substance of the case is that the petitioner preferred an appeal on 20.09.2021 to consider the promotion on merit grounds but the respondent failed to take a decision within 45 days as stipulated under the promotion policy of the bank. The petitioner also sent reminders for the cause but, the respondent decided to remain silent without any valid ground, which has given rise to this petition.



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3. The learned counsel for the petitioner submitted that the charge sheets were issued without the consent of the competent authority. As per the bank's sop/guideines, these charge sheets must be concluded within 6 months, but the respondent has been delaying the process and using these charge sheets as a victimizing tool against the petitioner to deny him departmental promotion in the name of sealed cover procedure despite passing the examinations conducted by the bank. He further contended that the respondent has not provided reasonable opportunity to the petitioner for perusing the records. Hence, prays to allow this petition.

4. The learned standing counsel appearing for the respondent filed a counter affidavit, wherein it has been stated that the sealed cover will be valid till the conclusion of the Departmental proceedings or criminal case initiated against the employee. If the employee is exonerated in the disciplinary proceedings, the sealed cover would be opened and the result of the Departmental promotion committee would be published, and further steps would be taken accordingly. Hence, prays to dismiss this petition.

5. Heard both sides and perused the materials available on record.



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6. Before advertng further, it would be relevant to go through the

Promotion policy of the Respondent Bank-2021 :

13. At the time of consideration of the cases of Officers for promotions, details of officers in the consideration zone for promotion falling under the following categories should be specifically brought to the notice of the Departmental Promotion committee:

- a. Officers under suspension.*
- b. Officers in respect of whom a charge sheet has been issued and the disciplinary proceedings are pending and*
- c. Officers in respect of whom prosecution for a criminal charge is pending.*

Officers falling under the categories mentioned in para 13.1. above will be included in the process if otherwise eligible and will also be assessed but the findings of the DPC will be recorded in a seperate sheet and kept in a sealed cover till the final outcome, which shall be superscribed as

“Recommendations of the Competent Authority in respect of

Shri/Smt-----

For Promotion (Specify grade and Scale):

Date of DPC Proceedings:”

in the main evaluation sheet, entry against the name of the Officer falling under the above categories will be recorded as “Evaluation Sheet kept under sealed cover’.

With regard to procedure to be followed in case of promotion of officers against whom disciplinary/criminal proceedings are pending or under investigation, the relevant Government



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guidelines issued may be followed.

13.3. Sealed Cover Opening Procedure

The sealed cover of the officers exonerated/dropped in the Disciplinary proceedings/criminal proceedings, will be opened in the presence of General Manager(HR),DGM/AGM of HR, one more executive of Central Office and will be witnesses by them.

On opening of the sealed cover, if the concerned officer has been found suitable for promotion to next scale, his promotion will be declared with the approval of the Competent Authority.

The competent authority for declaring the results:

up to SMG Scale IV : General Manager(H)

For SMG Scale V : Executive Director(in charge of the portfolio) and in his absence, MD&CEO

For TEG Scale VI & VII : MD & CEO and in his absence all the Executive Directors serving the Bank at that time

The sealed covers will be valid till the conclusion of the departmental proceedings or the criminal case ,initiated against the member, for which the results have been kept under sealed cover.

If more than one recommendations of DPC has been kept in sealed covers for the same person, on conclusion of the Disciplinary proceedings / criminal proceedings, which result in exonerating/dropping the allegations against the member, the results kept in the sealed cover will be opened and the findings of the DPC will be operated upon in year-wise chronological order.



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The sealed cover holds good for opening till the reckoning date for the next promotion process is announced or one year whichever is earlier.

7. In view of the above, it is made clear that the petitioner's prayer to direct the respondent to open the sealed cover and publish the Departmental promotion result to promote the petitioner to Scale V and to furnish the details of the petitioners performance/marks obtained in different parameters etc is not tenable.

8. Therefore, there is no merits in the submissions made by the petitioner and this petition deserves to be dismissed. Accordingly this petition is dismissed. No order as to costs.

21.03.2025

Speaking order : Yes/No

Neutral citation : Yes/No

Index : Yes/No

smn

To.

The MD & CEO

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V.BHAVANI SUBBAROYAN, J.

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