



W.P.(MD)No.7694 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2025

CORAM

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.(MD)No.7694 of 2019

M.Krishnan

... Petitioner

Vs.

The Chairman,
Pandyan Grama Bank,
Administrative Office,
2/70-1 Collectorate Complex
Virudhunagar-626 002.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to promote the petitioner to the post of Office Middle Management Scale II (Manager) pursuant to the Circular No.PAD/63/2015-16 dated 09.03.2016.

For Petitioner : M/s.D.Geetha

For Respondent : Mr.N.Dilipkumar

ORDER

The writ petition has been filed to direct the respondent to promote the petitioner to the post of Office Middle Management Scale II



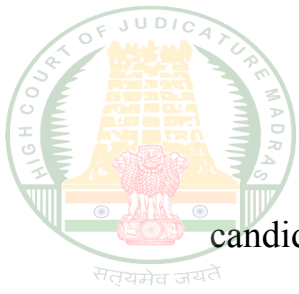
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(Manager) pursuant to the Circular No.PAD/63/2015-16 dated 09.03.2016.

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2.It is the case of the petitioner that the petitioner was employed under the respondent as Clerk-cum-Cashier and was promoted as Officer Scale by an order dated 29.04.2005 w.e.f 23.04.2005. The respondent by circular dated 09.03.2016 initiated promotion process for 286 officers from scale I to II in accordance with RRB Rules 2010. The circular stated that list of eligible candidates and examination for promotion was fixed on 10.04.2016 and the petitioner's name appeared in the list. As per circular, the petitioner was within the zone of consideration for promotion from scale I to scale II. The petitioner also attended the examination held on 10.04.2016. The petitioner reached the age of superannuation in the month of 2016 and retired from service on 30.06.2016. Promotion period was as on 01.04.2015. Therefore, the petitioner is entitled for promotion as per circular dated 09.03.2016. Hence, this writ petition.

3.The learned counsel appearing for the petitioner would submit that a circular was issued on 09.03.2016 for promotion for eligible



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candidate as on 01.04.2015. The examination held on 10.04.2016. By time the petitioner retired from service on 30.06.2016. She would submit that only due to delay on the part of the respondent in conducting the promotion process, the petitioner was not able to participate in the interview. If the respondent has conducted the selection process on time, definitely the petitioner would avail promotion and therefore, the petitioner is entitled for notional promotion from the date on which the petitioner was in zone of consideration, ie., 01.04.2015. To strengthen her contention, she has relied upon the judgment of the Division Bench of this Court in W.A.No.803 of 2013 dated 27.02.2015 to show that passing of an examination would relate back to the date of examination and not the date of declaration of results.

4.Per contra, the learned counsel appearing for the respondent would submit that as per circular dated 09.03.2016, which is only an announcement regarding a online written examination to be held on 10.04.2016. It does not confer any right of promotion on the petitioner. He would further submit that the date of online examination was 10.04.2016, by the time the petitioner attained superannuation on 30.06.2016. After due process, interview was conducted on 09.08.2016



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and on the same day result has been published. He would submit that preparation of merit list in the selection process are fully based on the rules prescribed under the Regional Rural Banks (Appointment and Promotion of Officers and Employees) Rules, 2010. As per the rules in Column II of the selection process, wherein it has been clearly described that the selection shall be on the basis of combined performance in the interview and performance appraisal reports, in total allotted 100 marks to the employees. He would submit that after retirement, the petitioner is not eligible to seek any relief in this petition as against the Regional Rural Banks (Appointment and Promotion of Officers and Employees) Rules, 2010 and prays dismissal of the writ petition.

5.It is not in dispute that the circular dated 09.03.2016 relied on by the petitioner is an announcement relating to conduct of the online written examination, which was held on 10.04.2016. The petitioner attained superannuation on 30.06.2016. The respondent has conducted interview on 09.08.2016 and published the results on the same day. The petitioner failed to establish that as per Rule contemplated in the Regional Rural Banks (Appointment and Promotion of Officers and Employees) Rules, 2010, after retirement, a retired employee can avail



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promotion benefits. Without establishing relevant service rules applicable to the petitioner, the claim of the petitioner is not sustainable.

There is no merits in this writ petition and the same is liable to be dismissed.

6.In the result, this writ petition is dismissed. No costs.

NCC : Yes / No
Index : Yes / No
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M.JOTHIRAMAN, J.

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