



**149 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CR-517-2006 (O&M)
Reserved on: 19.02.2025
Pronounced on: 24.04.2025**

**State Bank of Patiala
(now State Bank of India) and another ...Petitioners**

Vs.

O.P. Arora and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Anil Kumar Ahuja, Advocate
for the petitioners.

Mr. G.C. Dhuriwala, Advocate
for respondents No. 2, 4 and 5.

Respondent No.6-Mr. Yoginder Aggarwal @ V.K. Gupta
in person.

ANIL KSHETARPAL, J.

1. The petitioner (Judgment Debtor) assails the correctness of Executing Court's order dated 30.11.2005.
2. In order to comprehend the issues involved in the present case, relevant facts, in brief, are required to be noticed.
3. The plaintiffs jointly filed a Civil Suit seeking relief of declaration that promotion of 38 private defendants to Middle Management Grade Scale-II (MMGS-II) for the year 1985 is illegal, null and void and the plaintiffs are entitled to be placed in MMGS-II w.e.f. 01.10.1979 and promoted to MMGS-III w.e.f. 01.08.1987 and to Senior Manager Grade Scale-IV (SMGS-IV) w.e.f. 01.12.1993 with all consequential benefits.



During the pendency of the suit, seven plaintiffs were promoted to MMGS-II and they suffered statement that the suit qua them is rendered infructuous leaving behind six plaintiffs. The suit filed by six plaintiffs was partly decreed on 05.05.1993. Both the parties filed first appeals, which were disposed of in the following terms:-

"Suit of the plaintiffs is ordered to be decreed partly directing the defendant State Bank of Patiala and its Board of Directors to consider the cases of the plaintiffs for promotion to the cadre of MMGS-II in view of the statement of DW1 R.P. Batra within one month from today and in case they are found entitled to such promotions on the basis of their performance in the written test and interview by ignoring the notes Ex. D3, Ex. D4 and Ex. D4/1 their promotion shall relate back to the date from which the defendants have promoted and they shall also be titled to all the consequential benefits."

4. Two cross regular second appeals filed by the parties were dismissed on 12.12.2000. Thus, the decree of the First Appellate Court became final. The decree-holders were promoted to MMGS-II w.e.f. 01.08.1984 and paid all monetary benefits. Now, the dispute is with regard to promotions to MMGS-III and further promotion to SMGS-IV. As per promotion policies of the Bank, promotions to MMGS-III and SMGS-IV are merit based promotions. It is the stand of the Bank that the decree-holders have been repeatedly requested to come for interview before the Selection Committee to enable the Bank to consider their cases for promotion to MMGS-III. Sh. B.K. Sharma, one of the decree-holder, participated in the promotion process only once but could not get selected. While respondent No.6-Sh. V.K. Gupta was selected and promoted to



MMGS-III w.e.f. 01.08.1988. Thereafter, he participated in the process for promotion to SMGS-IV for the years 1993-94 but was not successful. Thereafter, he did not appear for any other interview. The respondents now claim that they are entitled to automatic promotion in view of the fact that the Court has directed that the decree-holders are entitled to all consequential benefits. They are also relying upon promotions of Sh. Dalip Singh Saini, Sh. Harinder Sharma and Sh. B.S. Grover without facing the interview Committee. The Executing Court has held that it is well within its jurisdiction to find out the meaning of the words 'employed in the decree' and therefore, the Bank cannot adopt different rules and procedures to frustrate the decree. On the other hand, it is the stand of the Bank that the comparison with Sh. B.S. Grover, Sh. Harinder Sharma and Sh. Dalip Singh Saini on the ground of alleged hostile discrimination is unfounded. It is stated that Sh. B.S. Grover filed an appeal to the departmental Appellate Authority against his non-promotion. The Managing Director being an Appellate Authority called him for an interview and thereafter, ordered his promotion. Hence, Sh. B.S. Grover was promoted after the Chief General Manager interviewed him. Similarly, Sh. Harinder Singh was also interviewed by his Appellate Authority i.e. Chief General Manager. Whereas, Sh. Dalip Singh Saini was promoted pursuant to the judgment and decree passed by the Court on 31.07.1998.

5. Moreover, it is not appropriate for the Executing Court to direct the defendant-Bank to violate its promotion policy and promote the decree-holders in absence of categoric direction of the Court. The



respondent has filed a detailed synopsis while relying upon the promotions granted to Sh. Dalip Singh Saini, Sh. Harinder Sharma and Sh. B.S. Grover.

6. This Court has considered the submissions made by the learned counsel representing the parties, however, does not find substance therein.

7. Similarly, there is also no substance in the argument of the respondent No.6 that Section 47 of the Code of Civil Procedure, 1908, confers wide powers upon the Executing Court to decide all questions because the Executing Court is required to implement the decree. Moreover, the Court only directed the right of consideration. Respondent No.6 has been promoted to MMGS-III, however, he failed to secure promotion while participating in interview for SMGS-IV. The remaining decree-holders did not participate.

8. Keeping in view aforesaid discussion, the revision petition is allowed. The impugned order passed by the Executing Court is set aside and the Execution petition is disposed of having being satisfied.

9. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

24.04.2025
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No