



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-5082-2025
Date of decision: 24.02.2025

RAKESH KUMAR

.....Petitioner

VERSUS

STATE BANK OF INDIA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Rajeshwar Singh, Advocate
for the petitioner.

Mr. Anurag Jain, Advocate
for respondents No.1 to 5.

VINOD S. BHARDWAJ, J. (Oral)

The petitioner has approached this Court seeking directions to the respondents to grant promotion to the post of 'Clerk' from the day the juniors to the petitioner have been promoted alongwith all consequential benefits arising therefrom.

2. Learned Counsel appearing on behalf of the respondent-Bank submits that the petitioner had earlier approached this Court vide CWP-3015 of 2024 wherein the same relief was sought for by the petitioner as is now being claimed in the present writ petition. At this stage, it is pertinent to collate the memo of parties as well as the prayer sought in the aforesaid writ petition and the present petition. The same are extracted as under:-



<u>CWP-3015-2024</u>	<u>CWP-5082-2025</u>
<i>Rakesh Kumar, Head Messenger, (PF No, 5425417) aged about 37 years, son of Jagdish Lal, resident of Ward No. 15, Chaina Road, Hardial Nagar, Jaito, Faridkot, Punjab presently posted at State Bank of India, Balluana (50338) Branch, District Bathinda, Punjab having Aadhaar No. 421517377976 and Mobile No. 9855744062.</i> <i>.....Petitioner</i> <i>Versus</i> <i>1. State Bank of India, Local Head Office Sector 17-A, Chandigarh, through Assistant General Manager (OAD), (Disciplinary Authority)</i> <i>2. The Deputy General Manager & Circle Development Officer, Appellate Authority, State Bank of India, Local Head Office Sector 17-A, Chandigarh.</i> <i>3. The Regional Manager, State Bank of India, Regional Business Office-1, (R.B.O.-1), Bhagu Road, Bathinda, Punjab.</i> <i>4. The Deputy General Manager,</i>	<i>Rakesh Kumar, Head Messenger, (PF No.5425417), aged about 37 years son of Jagdish Lal, resident of Ward No.15, Chaina Road, Hardial Nagar, Jaito, Faridkot, Punjab, presently posted at State Bank of India, Balluana (50338) Branch, District Bathinda, Punjab.</i> <i>Aadhaar Card No. 4215 1737 7976</i> <i>Mobile No. 98557-44062</i> <i>.....Petitioner</i> <i>Versus</i> <i>1. State Bank of India, Local Head Office, Sector 17-A, Chandigarh, through Assistant General Manager (OAD) (Disciplinary Authority).</i> <i>2. The Deputy General Manager & Circle Development Officer, Appellate Authority, State Bank of India, Local Head Office, Sector 17-A, Chandigarh.</i> <i>3. The Regional Manager, State Bank of India, Regional Business Office-1, (R.B.O.-1), Bhagu Road, Bathinda, Punjab.</i>



<i>State Bank of India, Administrative Office, Amrik Singh Road, Bathinda, District Bathinda, Punjab.</i> <i>5. The Branch Manager, State Bank of India, Branch Balluana (50338), District Bathinda, Punjab.</i> <i>6. Sanjeev Kumar Kansal (P.F. No. 7085443) posted as Clerk (during Financial Year 2021-2022) in the Administrative Office of State Bank of India, Amrik Singh Road, Bathinda, District Bathinda, Punjab.</i> <i>7. Vikramjit Singh (PF No. 7085095) posted as Clerk (during Financial Year 2022-2023) in the Administrative Office of State Bank of India, Amrik Singh Road, Bathinda, District Bathinda, Punjab,</i>	<i>4. The Deputy General Manager, State Bank of India, Administrative Office, Amrik Singh Road, Bathinda, District Bathinda, Punjab.</i> <i>5. The Branch Manager, State Bank of India, Branch Balluana (50338), District Bathinda, Punjab.</i> <i>6. Sanjeev Kumar Kansal (P.F. No.7085443) posted as Clerk (during Financial Year 2021-2022) in the Administrative Office of State Bank of India, Amrik Singh Road, Bathinda, District Bathinda, Punjab.</i> <i>7. Vikramjit Singh (PF No.7085095) posted as Clerk (during Financial Year 2022-2023) in the Administrative Office of State Bank of India, Amrik Singh Road, Bathinda, District Bathinda, Punjab.</i>
<i>Civil Writ Petition under Articles 226/227 of the Constitution of India for the issuance of a Writ in the Nature of Mandamus directing the respondents to grant the Promotion to the petitioner as the juniors of the petitioner have already been promoted as Clerk w.e.f. Financial Year 2021-2022 along with all consequential benefits arising there from, which has been</i>	<i>CIVIL WRIT PETITION under Article 226/227 of the Constitution of India for the issuance of a writ in the nature of mandamus directing the respondents to grant promotion to the petitioner to the post of Clerk from the day the juniors to the petitioner have been promoted along with all consequential benefits arising therefrom.</i>



<i>wrongly withheld by the respondents, in the interest of justice.</i> <i>AND/OR</i> <i>Any other writ order or direction which this Hon'ble Court may deem fit may kindly be passed in favour of the petitioner.</i>	<i>OR</i> <i>Any other writ, order or direction which this Hon'ble Court may deem fit and proper may also kindly be issued in favour of the petitioner in the peculiar facts and circumstances of this case.</i>
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3. Referring to the above, learned Counsel for the respondents contends that not only the parties were same, even the relief prayed for in the present writ petition is the same relief as has been sought for by the petitioner in CWP-3015 of 2024. The said writ petition came up for hearing before this Court on 29.04.2024 and the same was withdrawn by the petitioner. He contends that thereafter, the petitioner also filed review application No. 161 of 2024 against the above said order of 29.04.2024. The said review was also dismissed by this Court on 31.05.2024. He submits that the issue has already been decided against the petitioner. By withdrawing the earlier writ petition and the review application against the said withdrawal having been dismissed as well, the same prayer cannot be made again by the petitioner.

4. The above said facts are not disputed in the present case.

5. In view of the fact that the petitioner had earlier approached this Court for the same relief as has been claimed for in the present writ petition, the writ petition stands dismissed as withdrawn, the same issue cannot be re-



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examined by this Court in a fresh writ petition. The same is accordingly dismissed.

(VINOD S. BHARDWAJ)
JUDGE

FEBRUARY 24, 2025
Vishal Sharma

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