



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

128

RA-CW-528-2025 (O&M) in
CWP-12435-2016
Date of decision: 26.11.2025

Yog Raj Garg

...Petitioner(s)

VERSUS

State Bank of Patiala and others

...Respondent(s)

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

Present :- Mr. Vikas Chatrath, Sr. Advocate with
Ms. Preet Agroa, Advocate for the applicant-respondent-SBI.

VINOD S. BHARDWAJ, J. (Oral)

The instant review application has been filed by the respondent-Bank for seeking review of judgment dated 04.08.2025 passed by this Court in CWP-12435-2016 by placing reliance on certain additional documents pertaining to calculation of the existing vacancies.

2. Before advertng to the merits of the review application, it would be apposite to briefly delineate the controversy raised in the writ petition. The petitioner had approached this Court seeking a declaration that the action of the respondent-Bank, in not calling a number of officers thrice the posts available for promotion, was arbitrary and illegal, thereby resulting in the deprivation of his statutory as well as fundamental rights to be duly considered for promotion. Consequentially, the petitioner had also assailed the order dated 31.05.2016, whereby 33 officers were promoted to the post of Senior Management Grade Scale-V (SMGS-V) and sought its quashing

on the ground that the selection process stood vitiated for non-compliance with the prescribed promotion policy.

3. The petitioner had contended that against 33 posts filled up by way of promotion, the respondent-Bank had called only 80 candidates for consideration instead of 99, i.e. three times the number of posts, thereby illegally excluding the petitioner from the zone of consideration. It was specifically argued that while the respondent-Bank sought to justify its action by stating in the written statement that only 26 vacancies existed and, therefore, 80 candidates were called for interview as being more than three times the notified vacancies on account of a bracketed candidate, the said stand was belied by its own pleadings. The petitioner pointed out that in paragraph No.3 of the written statement filed by Mr. Joginder Singh Wadhwa, Assistant Manager, the respondent-Bank had specifically acknowledged that 33 persons were ultimately selected and promoted to the post of Senior Management Grade Scale-V (SMGS-V), in addition to six officers being posted on deputation to the said cadre. A similar admission was made in the written statement filed on behalf of respondents No.1 and 2, namely the State Bank of Patiala (now State Bank of India), in reply to paragraphs 7 and 8 of the writ petition. On the strength of these admissions, the petitioner contended that the zone of consideration could not have been artificially confined on the premise of 26 identified vacancies, but was required to be determined with reference to the number of candidates who were, in fact, promoted. It was further alleged in the petition that the respondent-Bank had, in effect, created supernumerary posts to accommodate promotions in excess of the declared vacancies, while

simultaneously denying consideration to eligible officers such as the petitioner, thereby vitiating the promotion process.

4. Counsel appearing on behalf of the respondent-Bank did not dispute the aforesaid contention. Consequently, upon a consideration of the statutory rules and the service regulations governing entitlement and promotion, this Court directed the respondent-Bank to consider the case of the petitioner for promotion to the post of Senior Management Grade Scale-V (SMGS-V) for the promotion year 2016–17 by deeming him to be in service and by evaluating his performance in accordance with the same criteria that was applied to other candidates in the said promotion process. It was further directed that the petitioner be granted notional benefits of promotion, if found eligible.

5. The instant review application has now been filed alleging the existence of certain factual errors in the said judgment. It is contended by the review applicant- respondent that although the promotion of 33 candidates and the identification of 26 vacancies was not in dispute, the vacancies had been determined strictly in accordance with the Bank's Promotion Policy and Clause 13 thereof prescribed the zone of selection on the basis of the number of vacancies so identified. It is asserted that the vacancies were identified and approved by the competent authority on 18.05.2016 and candidates were called for interview in accordance thereto. It is further contended that the Interview Committee, however, recommended promotion of 33 officers, which included one bracketed candidate and six officers who were on deputation, and that the said recommendations, according to the respondent-Bank, do not amount to any deviation from the prescribed policy

warranting reconsideration of the petitioner's case.

6. On the basis thereof, it is contended that the promotion of 33 officers did not arise from the initiation of the promotion process for 33 vacancies. Rather, the said number came to be occasioned on account of peculiar circumstances, namely that 1 officer fell within the bracketed category and 6 officers were on deputation, whose services were not available to the Bank at the relevant time, though they were nevertheless found eligible for promotion. It is thus contended that these promotions were made in addition to, and not in substitution of, the identified vacancies and that the promotion process itself had been validly initiated only with reference to the vacancies duly identified and approved in accordance with the Bank's policy.

7. I have heard the learned senior counsel for the review applicant-respondent/Bank at length and have gone through the grounds raised by him.

8. Emphatic arguments advanced by counsel for the petitioner rests upon the admitted approval of only 26 vacancies by the competent authority. However, the respondent-Bank has sought to conveniently project the controversy as one turning merely on the technical identification of vacancies. The record, however, leaves no manner of doubt that the respondent-Bank undisputedly proceeded to promote as many as 33 officers, which included 1 bracketed candidate and 6 officers who were on deputation. Once promotions to the extent of 33 officers were effected, the inescapable inference is that, on the relevant date, 33 vacancies stood filled by way of promotion. It is trite that officers, though serving on deputation, continue to hold lien in their parent cadre and are promoted therein strictly in

accordance with their entitlement and against existing vacancies. Such officers could not have been promoted unless corresponding posts were available in the cadre. Consequently, the respondent-Bank cannot be permitted to approbate and reprobate by asserting approval of only 26 vacancies while simultaneously effecting promotions to 33 posts. Equally significant is the fact that the documents now sought to be relied upon to justify this incongruity were never placed on record along with the written statement. A maze is thus being sought to be designed to blur a patent inconsistency and to defeat the statutory right of an eligible candidate to be considered for promotion, merely by playing with figures of identified vacancies. Such an approach, if accepted, would strike at the very fairness and transparency that must govern promotional processes in public institutions.

9. Besides, this Court finds that no prejudice whatsoever can be said to have been occasioned by consideration of other eligible persons, particularly when such consideration, by itself, does not entail any immediate financial consequences. The process of consideration is only an evaluation of eligibility and merit and does not, per se, result in any automatic conferment of pecuniary benefits. It is also evident that in the guise of the present review proceedings the review-applicant/Bank has sought to re-argue the matter on merits by placing reliance upon documents which were admittedly not part of the original record when the writ petition was decided. Such an exercise travels beyond the limited scope of review jurisdiction and is impermissible in law. Be that as it may, even if the stand of the review-applicant is examined at face value, no prejudice has been

demonstrated to have been caused to the Bank by the direction issued for consideration of the petitioner’s claim. In the absence of any tangible or demonstrable prejudice, the review application lacks merit.

10. Finding no merit in the instant review application is ***dismissed***.
CM-17422-CWP-2025.

Since the review application is being dismissed, the instant application shall also stand ***disposed of***.

(VINOD S. BHARDWAJ)
JUDGE

26.11.2025
Mangal Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No