

(2010) 10 SHI CK 0185
In the High Court Of Himachal Pradesh
Case No : CMPMO No. 383 of 2010

Dev Kali Negi and Another

APPELLANT

Vs

H.P. State Cooperative Bank Ltd. and Others

RESPONDENT

Date of Decision : 27-10-2010

Acts Referred:

Citation : (2010) 10 SHI CK 0185

Hon'ble Judges : Deepak Gupta, J

Bench : Single Bench

Judgement

Deepak Gupta, J.—The petitioner aggrieved by the Judgment of the learned District Judge, Shimla dated 29th August, 2009 whereby he upheld the order dated 5th June, 2009 passed by the learned Civil Judge (Jr. Division) Court No. 1, Shimla and rejecting the application filed by the petitioners for grant of interim relief, filed the present petition.

2. Prima facie, I am of the view that the petition itself is highly belated. The order under challenge was passed in August, 2009 and this petition has been filed on 9th October, 2010.

3. Be that as it may, the grievance of the petitioners is that the final seniority list issued by the respondent-Bank was revised without giving opportunity to them and their prayer is that no promotion should be made on the basis of this revised seniority list. In fact, their prayer is that promotion should be made on the basis of unrevised final seniority list. Allowing such a prayer at the interim stage virtually amount to allowing the suit itself, which is not permitted under law. I am not going into the merits of the rival contention of the parties and the question whether the final seniority list could be revised without notice to the petitioner is a question which has to be decided by the trial Court. However, no stay can be granted at this stage.

4. Therefore, the petition is disposed of with a direction that any promotion made or action taken as a consequence of the revised seniority list shall be expressly

subject to the outcome of the civil suit. The Bank shall in the orders of promotion, etc. make it absolutely clear that any promotion made will be subject to the outcome of the civil suit. With these observations the petition is disposed of in limine. The learned trial Court is directed to dispose of the main suit as early as possible but in any event not later than 31st October, 2011.