
(1988) 02 SC CK 0023

In the Supreme Court Of India

Case No : Civil Appeal No. 566 of 1983 (with W.P. No's. 13067-68/83)

Kashmiri Lal and Others

APPELLANT

Vs

State Bank of Patiala

RESPONDENT

Date of Decision : 09-02-1988

Acts Referred:

Citation : AIR 1989 SC 566 : (1988) 1 JT 293 : (1988) 2 LLJ 217 : (1988) 1 SCALE 318 : (1988) 1 SCC 596

Hon'ble Judges : S. Ranganathan, J; Ranganath Misra, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. This appeal by special leave is directed against the dismissal of a writ petition by a Division Bench of Punjab and Haryana High court.

2. The appellant is an officer of the State Bank of Patiala which is a subsidiary bank of the State Bank of India. The respondent-Bank framed a set of Service regulations in 1979 u/s 63 of the State Bank of India (Subsidiary Banks) Act, 1979 with a view to rationalizing the services w.e.f. 1.10.1979. Implementation of the scheme by the respondent-Bank under the regulation proceeded under a misconception that the fitment contemplated by way of nationalisation was one of promotion. When the matter was originally heard, we had pointed out to counsel for the respondent-Bank that the scheme did not provide for promotion and all that was necessary was to carry out the appropriate fitment without anything more. It is not disputed that on 1-10-1979 there were 178 posts to which fitment was to be made out of the 430 officers keeping the basis of seniority in view. It is equally not in dispute that the appellant came within the limit of 178 officers in the seniority list. As such he became entitled to the benefit of fitment right from 1-10-1979 and the respondent-Bank was obliged to give him that fitment.

3. In view of this finding the appeal has to be allowed and the appellant has to

be declared entitled to the benefit of fitment with effect from 1.10.1979. This appeal is allowed with the direction that by 31.3.1988 the respondent - Bank shall make the appropriate order giving the benefit of fitment contemplated in the schedule under the Regulation. The appellant shall be entitled to costs of the proceedings both in the High Court as also here. Hearing fee of Rs, 2.000/- is granted.

4. In view of what has been stated above, no orders are necessary to be passed in the writ petitions.