

(2023) 07 KL CK 0016
In the High Court Of Kerala
Case No : Writ Petition (C) No. 2564 Of 2013

S.Jeyasundar

APPELLANT

Vs

State Bank Of India

RESPONDENT

Date of Decision : 04-07-2023

Acts Referred:

Citation : (2023) 07 KL CK 0016

Hon'ble Judges : Mohammed Nias. C.P., J

Bench : Single Bench

Advocate : B.Raghunathan, G.Gopalakrishna Pillai, P.Prasanth, R.Srinath, Vipin Varghese, P.V.Surendranath, P.Gopal

Final Decision : Dismissed

Judgement

Mohammed Nias. C.P., J

1. The petitioner has filed this writ petition aggrieved by the denial of promotion to the post of Junior Management Grade Scale-I for the year 2005-2006 under the Normal cum Seniority channel. The allegation is that he was not promoted then as his performance appraisal report for the year 2003-2004 was re-written and that he came to know about the said foul play only in 2009. It is on these allegations that the writ petition is filed.

2. Learned counsel for the bank points out from Ext.P7 that the performance appraisal report of the petitioner for the year 2003-2004 written by the competent authority was very much available in their records and that it was not a case of writing it afresh as contended by the writ petitioner. It is also their submission that as regards the year 2005-2006 the total number of candidates considered for promotion was 205 and the number of the candidates actually promoted was 20. The cut off mark for promotion was 98. The petitioner's position was 69 as he had only secured a total marks of 84, and therefore, he was not promoted. Thereafter, the petitioner was promoted on 12.8.2009 to the post of Junior Manager Grade Scale-I, as he was selected in the promotion

process. Thus, it is the submission of the Bank that he was not promoted during the year 2005-2006 as his cut off mark was below the requisite level. The contentions in the counter affidavit are recorded.

In all probability, by now, the petitioner would have retired on superannuation. It is also submitted that the challenge against Ext..P7 which is dated 9.2.2006 and against Ext.P9, which is dated 4.5.2011, was made only in the year 2013, and as such the writ petition ought to be dismissed on the ground of laches as well. I find force in the said contention of the learned counsel for Bank. It is also pointed out that the rejection of his request by Ext.P9 was on the basis that the grievance cell could not have considered matters regarding service/promotion. In the absence of anything produced by the petitioner to contradict the above factual aspects, no relief can be granted to him. Accordingly, the writ petition is closed.