

(2000) 08 P&H CK 0010

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Writ Petition No. 858 of 2000

Kali Charan

APPELLANT

Vs

Faridabad Central Co-op. Bank
Ltd.

RESPONDENT

Date of Decision: Aug. 31, 2000

Acts Referred:

- Constitution of India, 1950 - Article 14, 16, 226

Hon'ble Judges: S.S. Sudhalkar, J; Mehtab S. Gill, J

Bench: Division Bench

Advocate: Mr. R.M. Singh, for the Appellant; Mr. Shailender Kashyap, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

S.S. Sudhalkar, J.

By this writ petition, the petitioner seeks promotion to the post of Secretary "B" Class. The petitioner, at present, is

working as a Salesman. The petitioner admits that he is a non-Matric.

2. After hearing the learned counsel for the parties, the question which now arises for determination is whether the petitioner was eligible for

promotion to the post of Secretary "B" Class.

3. So far as eligibility to the post is concerned, the criteria for promotion is shown to us by the counsel for the petitioner from the letter dated May

5, 1995 by the Registrar to all the Managing Directors, Central Cooperative Banks in the State, which is produced at Annexure P-2 in this writ

petition.

4. Counsel for the petitioner has shown to us Clause 5 of the letter dated May 5, 1995 wherein criteria has been laid, which is reproduced as

under:

5 - The pay scales of Grade B Secretary will be Rs. 800-15-1010-EB-20-1150-EB-1500. It has also been decided that 50% of Grade B

Secretaries will be filled up from amongst the Salesman/Clerks of the PACS on the basis of seniority-cum-fitness.....

This is regarding the feeder post for promotion to the post of Secretary "B" Class. The eligibility criteria is laid down in paragraph 7 of the said

letter, the relevant part of which is as under :

7.....The eligibility criteria for such Grade B Secretaries will be matriculate with an experience of 8 years in a PACS.....

In view of the above criteria, the eligibility for promotional post of Secretary "B" Class will be Matriculate with an experience of 8 years PACS.

Therefore, the petitioner, being non-Matric does not fulfil this eligibility criteria. Faced with this position, the counsel for the petitioner has relied on

the case of Bhagwati Prasad v. Delhi State Mineral Development Corporation reported in 1990(1) RSJ 225. It is a judgment of the Supreme

Court. It is held therein as under :

.....Once the appointments were made as daily rate workers and they were allowed to work for a considerable length of time, it would be hard

and harsh to deny them the confirmation in the respective posts on the ground that they lack the prescribed educational qualifications. In our view,

three years" experience, ignoring artificial break in service for short period/periods created by the respondent, in the circumstances, would be

sufficient for confirmation.....

What the Supreme Court has decided in the above case is, therefore, that the experience would be sufficient for confirmation. Experience, which

the Supreme Court has referred to, was on the post on which an employee in that case sought confirmation. This is not a case where the petitioner

is asking for confirmation on the promotional post, because he is still to be promoted. This being the fact, the petitioner can not be said to have any

experience on the promotional post of Secretary "B" Class. This judgment, therefore, does not apply to the facts of the present case as the

petitioner is not eligible for promotion to the post of Secretary "B" Class. The petitioner cannot be granted prayer made in the writ petition.

For the reasons recorded above, we do not find any merit in this writ petition. It is, therefore, dismissed.

5. Petition dismissed.