

7ITEM NO.115

COURT NO.7

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 6252 OF 2004

VIMAL KISHORE

Appellant (s)

VERSUS

NATIONAL BANK FOR AGRI.& RURUAL DEV.&ORS

Respondent(s)

WITH

CONTEMPT PETITION(C) NO.74/2005 IN C.A. NO.6252/2004

Date: 09/03/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE A.K. PATNAIK

For Appellant(s) Mrs.Rachana Joshi Issar,Adv.

For Respondent(s) Mr. Ajay Kumar Misra, Sr. Adv.
Mr. P. Narasimhan,Adv.
Ms.Anuradha Dubey Mishra, Adv.
Ms. Tulika Mukherjee, Adv.

Mr. Kuldeep S.Parihar, Adv.for
Mr. H.S. Parihar ,Adv

UPON hearing counsel the Court made the following
O R D E R

The Appeal is disposed of in terms of the signed
order. No costs.

In view of our order passed today in Civil Appeal
No.6252 of 2004, no orders are required to be passed in the
Contempt Petition and it is disposed of accordingly.

(Parveen Kr. Chawla)
Court Master

(Indu Satija)
Court Master

[Signed Order is placed on the File]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6252 OF 2004

Vimal Kishore

..Appellant

versus

National Bank for Agriculture &
Rural Development and Others

..Respondents

WITH

CONTEMPT PETITION(C) NO.74 OF 2005

O R D E R

Civil Appeal No.6252 of 2004

This is an appeal against the order dated 11th September, 2003 of the High Court of Bombay passed in Writ Petition No. 1844 of 2003.

The facts very briefly are that the appellant was working as Deputy General Manager, Grade 'D' in National Bank of Agriculture and Rural Development (for short 'NABARD'). By an order dated 14th May, 2001 passed by the Chief General Manager, NABARD, the appellant was degraded to the post of Assistant General Manager, Grade 'C' with effect from 14th May, 2001 and his next promotion to the post of General Manager, Grade 'E' was postponed for a period of two years from the said date i.e. 14 th May, 2001. The appellant challenged the order dated 14th May, 2001 in a writ petition before the High Court bearing Writ Petition No.1628 of 2001. The High Court disposed of the writ petition with a direction that the appellant may file an appeal against the order passed by the Disciplinary Authority. CIVIL APPEAL NO(s). 6252 OF 2004

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In the meanwhile, the appellant filed Writ Petition No. 1844 of 2003 before the High Court praying for a writ of mandamus or other directions to the authority of NABARD to promote the appellant to the post of General Manager, Grade 'E' on the basis of his performance in oral interview held on 18th April, 2001. The High Court in the impugned order dated 11th September, 2003 held that the appellant has been penalized by reverting him for two years and his consideration for promotion to the post from which he was reverted is delayed by two years and in this view of the matter, no interference is called for. Aggrieved by the impugned order dated 11th September, 2003, the appellant

has filed the present appeal in this Court by grant of special leave.

After hearing learned counsel for the parties, we find that in the meanwhile, the Appellate Authority has confirmed the order of the Disciplinary Authority dated 14th May, 2001 vide order dated 07th October, 2009 and the appellant has filed a separate writ petition bearing Writ Petition No.2168 of 2009 before the High Court challenging the order of punishment passed by the Disciplinary Authority as confirmed by the Appellate Authority and the said writ petition is still pending before the High Court. Mr. Ajay Kumar Misra, learned senior counsel appearing for the respondent(s) submitted that since the order dated 14th May, 2001 of the Disciplinary Authority

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withholding the promotion of the appellant for a period of two years is still pending consideration before the High Court in a separate writ petition, the appellant may move the High Court in that writ petition for promotion to the higher post.

Ms. Rachana Joshi Issar, learned counsel for the appellant on the other hand submitted that admittedly the period of two years for which the promotion of the appellant was withheld was over on 14th May, 2003 and, therefore, the appellant is now due for consideration for promotion to the higher post of General Manager, grade 'E' from the post of Deputy General Manager, Grade 'D' with effect from 14th May, 2003. Hence, without prejudice to the case of the appellant in the writ petition pending before the High Court, his case should be considered for promotion to the next higher post.

We find a lot of substance in the aforesaid submissions of the learned counsel for the appellant and

we, accordingly, dispose of this appeal with a direction that without prejudice to the case of the appellant in the writ petition pending before the High Court, the respondent shall now consider the case of the appellant for promotion to the post of General Manager, Grade 'E' in accordance with the relevant service rules of NABARD, since the period for which his promotion was withheld is already over on 14 th May, 2003.

CIVIL APPEAL NO(s). 6252 OF 2004

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The Appeal is disposed of in the above terms. No

costs.

Contempt Petition(C) No.74 of 2005

In view of our order passed today in Civil Appeal No. 6252 of 2004, no orders are required to be passed in the Contempt Petition and it is disposed of accordingly.

.....J.
[MARKANDEY KATJU]

NEW DELHI;
MARCH 09, 2010

.....J.
[A.K. PATNAIK]