

ITEM NO.32

COURT NO.11

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).16730/2010

(From the judgement and order dated 05/02/2010 in
of The HIGH COURT OF BOMBAY)

WP No. 908/1998

S.G.WADHAVKAR

Petitioner(s)

VERSUS

BANK OF MAHARASHTRA & ORS.

Respondent(s)

(With office report)

Date: 08/07/2010

This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s)

Ms.Indu Malhotra, Sr.Adv.
Ms.Pruna Priyadarshini, Adv.
Mr.Kush Chaturvedi, Adv.
Ms.Durga Devi, Adv.
Mr.Abhinav Agnihotri, Adv.
Mr. Vikas Mehta,Adv.

For Respondent(s)

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

The petitioner who is now seventy years' old has challenged the order of the Division Bench of Bombay High Court, which declined to entertain his prayer for issue of a mandamus to respondent Nos.1 to 3 to promote him as Deputy General Manager with retrospective effect.

The main ground on which the petitioner challenged the promotion of the private respondents and his non-promotion was that

2

he had been superseded on the basis of adverse remarks recorded by his competitors for the post of Deputy General Manager.

According

to the petitioner, the remarks recorded by respondent Nos.4 and 9 could not have been considered by the DPC for not recommending his promotion to the post of Deputy General Manager.

In the counter affidavit filed on behalf of respondent No.1, it

was specifically averred that the remarks recorded by respondent Nos. 4 to 9 were not final and two officers senior to them had finally rated the petitioner as 'good'.

The High Court noted that the criteria for promotion was merit-cum-seniority and the petitioner had been duly considered along with other eligible persons. The High Court further noted that in preceding ten years, the petitioner had earned good reports except in 1992-1993 when he was rated as 'very good' and held that the DPC did not commit any error by not recommending him for promotion.

In our view, the reasons assigned by the High Court for not entertaining the petitioner's prayer for issue of a mandamus to respondent Nos.1 to 3 to promote him as Deputy General Manager with retrospective effect do not suffer from any legal infirmity and the impugned order does not call for interference under Article 136 of the Constitution.

The special leave petition is accordingly dismissed.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master