

ALL INDIA BANK OFFICERS' CONFEDERATION

(Registered under the Trade Unions Act 1926, Registration No.:3427/Delhi)



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Circular No. 2016/50

Date: 26.09.2016

TO ALL AFFILIATES/STATE UNITS/MEMBERS

Dear Comrade,

WRIT PETITIONS FILLED BY AIBOC & COM. K.D. KHERA CHALLENGING APPOINTMENT OF MDs & CHAIRMEN DISMISSED ON TECHNICAL GROUNDS

The Hon'ble Chief Justice of Supreme Court of India heard the writ petition filed under Article 32 of the Constitution of India bearing No. 225 / 2015 by Com. K.D. Khera along with writ petition No.445/2015 and 553/2015 filed by AIBOC, inter-alia praying for quashing of the advertisement dated 26.02.2015 issued by Department of Financial Services, Govt. of India for the selection of Candidates for the posts of MD & CEO in five Nationalized Banks, i.e. Bank of Baroda, Bank of India, Canara Bank, IDBI Bank and Punjab National Bank, followed by revised advertisement dated 24.04.2015 and also for the post of Chairman.

For all the petitioners, Sh. K. K. Venugopal, a renowned Senior counsel had appeared alongwith Sh. Ladda, who was engaged by us.

The Hon'ble Court heard the matter at length which was argued by Sh. K. K. Venugopal, Sr. Advocate and appreciated the contentions placed by the petitioner before this court through petitions that the eligibility criteria fixed through the said advertisement is arbitrary and is made with ulterior motive of eliminating the prospects of all the existing Executive Directors of PSBs for participating in the selection process and making only Private Sector applicants eligible.

Though, the court was convinced with the arguments placed by Sh. K.K. Venugopal, Sr. Advocate that there is a violation of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 and the Nationalised Banks (Management and Miscellaneous Provisions) Scheme 1970 but the Hon'ble Chief Justice of India expressed its inability to entertain the present petitions on the sole ground that neither Mr. K.D. Khera is having any locus to file the present petition nor any affected/prospective applicants who is currently holding an Executive Director's post is member of AIBOC, which has joined the petition.

Hence, the Hon'ble Chief justice refused to entertain the present petitions on the ground of locus, but granted liberty to file the fresh petition to challenge the advertisement dated 26.02.2015 and subsequent advertisement dated 24.04.2015 to whole time directors who could have been eligible for the post of MD & CEO. Our advocates, including Sr. counsel Sh. K.K. Venugopal are of the opinion that if any ED files the fresh petition, he will have locus and court would entertain it. We may decide our future course of action on receipt of awaited final order.

With Comradely Greetings,

Comradely yours,

(HARVINDER SINGH)
GENERAL SECRETARY