



CNR: KAHC010252862023

NC: 2026:KHC:40571
WP No. 10781 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 10781 OF 2023 (S-RES)

BETWEEN:

1. KRISHNAPPA NAIK
S/O BABU NAIK
AGED ABOUT 27 YEARS
CHEEKANAHALLI VILLAGE AND POST
BELUR TALUK
HASSAN DISTRICT - 573 115.
2. SMT. VAISHALI
D/O VITTAL NAIK
AGED ABOUT 29 YEARS
S-80 B, MANIBETTU, HERGO-PO
PARKALA
UDUPI DISTRICT - 576 107.
3. SRI GANESH
S/O SRI RAJU MOGAVEERA
AGED ABOUT 28 YEARS
437/8, BETTINA MANE, J.L.B. ROAD,
KUNDAPURA TQ - 576 201
UDUPI.
4. SRI RAJINIKANTH
S/O SRI MANJA
AGED ABOUT 34 YEARS
H.NO.239A, NANA SAHEB ROAD
SBS TAMPLE, VADERAHOBLI
KUNDAPUR, UDUPI - 576 201.

Digitally signed
by KIRAN
KUMAR R
Location: HIGH
COURT OF
KARNATAKA



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5. RAJU SHIVAPPA SHIRAGUPPI
S/O SHIVAPPA SHIRAGUPPI
AGED ABOUT 42 YEARS
MYADAR ONI
NEAR KARAMMANA TAMPLE, HUBLI.
6. SRI RANGASWAMY
S/O LATE PUTTANARASIMHA
AGED ABOUT 34 YEARS
D.NO.307, 2ND STAGE
GAYATHRIPURA
MYSORE - 570 019.
7. SRI JAGADEESH J
S/O JAVARAYYA
AGED ABOUT 34 YEARS
NO.18/2, VINAYAKANAGARA
PRIMARY SCHOOL ROAD
MYSORE - 570 012.
8. SRI PRASHNTH S
S/O N SHIVAPPA
AGED ABOUT 34 YEARS
NO.263, 6TH MAIN ROAD CROSS
NANDA GOKUL BADAVANE
GOKULAM,
MYSORE - 570 002.
9. SRI SUBRAMANYA RAVINDRA SHET
S/O RAVEENDRA SHET
AGED ABOUT 29 YEARS
RAMATHIRTH CROSS ROAD
HONNAVAR
UTTAR KANNADA DISTRICT - 581 334.



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10. SRI VINAYAK ROSHAN DESHBHANDARI
S/O ROSHAN DESHBHANDARI
AGED ABOUT 29 YEARS
KASABA GUNDIBAIL
HONNAVAR
UTTAR KANNADA DISTRICT - 581 334.
11. SRI VISHWANATH LAXMAN LAMBANI
S/O LAKSHMAN LAMBANI
AGED ABOUT 34 YEARS
TANDE, MUNDGOD
UTTAR KANNADA DISTRICT - 581 349.
12. SRI APPAYYA S
S/O LAKKAPPA SANADI
AGED ABOUT 38 YEARS
POST BAGARANAL
TQ HUKKERI
BELAGAVI - 591 309
13. SRI RAVIKUMAR S
S/O SOMMEGOWDA
AGED ABOUT 36 YEARS
SURAPURA VILLAGE
KUNNAGALLI POST,
KOLLEGALA TALUK
CHAMRAJANAGARA DISTRICT - 571 440.
14. SRI SHREESHAIL OLEKAR
S/O KARANDAPPA OLEKAR
AGED ABOUT 31 YEARS
RUDAGI POST, MUDDEBIHAL TALUK
VIJAYAPUR DISTRICT - 586 212.

...PETITIONERS

(BY SRI. SRINIVASA K., ADVOCATE)



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AND:

1. CANARA BANK
REP BY ITS
THE MANAGING DIRECTOR AND CHIEF EXECUTIVE
OFFICER
CANARA BANK, HEAD OFFICE,
112 J C ROAD,
BANGALORE - 560 002.
2. THE CHIEF GENERAL NAMAGER
HUMAN RESOURCES WING
CANARA BANK, HEAD OFFICE,
112 J.C. ROAD,
BANGALORE - 560 002.
3. GENERAL MANAGER
GENERAL ADMINISTRATION WING
CANARA BANK, HEAD OFFICE,
112 J C ROAD, BANGALORE - 560 002.

...RESPONDENTS

(BY SRI. T.P. MUTHANNA, ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT
THE ACTION OF THE RESPONDENTS IN REFUSING
EMPLOYMENT TO THE PETITIONERS WEF 01.04.2022 IS
HIGHLY ARBITRARY, UNJUST, ILLEGAL AND CAPRICIOUS.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:



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CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI

ORAL ORDER

Petitioners have filed this writ petition seeking the following reliefs :

" 1. Declare that the action of the respondents in refusing employment to the petitioners w.e.f. 01.04.2022 is highly arbitrary, unjust, illegal and capricious and direct the respondent to reinstate the petitioners back into the posts of Attenders/Sweepers and direct to absorb their services into permanent sub-staff cadre with continuity of service and all other consequential benefits, including full arrears of wages from the date of refusal of employment till their reinstatement.

2. Issue such other writ or order or direction that this Hon'ble Court may deems fit to pass under the facts and circumstances of the case, to meet the ends of justice and equity."

2. The brief facts leading to filing of this writ petition are as follows :

The then Syndicate Bank made a provision for appointment of temporary employees in the sub-staff cadre (Atenders/Sweepers) on various terms and conditions dated 24.02.2006. The former Syndicate Bank came to be merged



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with the respondent No.1-Canara Bank and written to the Employment Exchange and after obtaining the eligibility list, duly selected and appointed the petitioners to the cadre of sub-staff and to work as Attendants/Peons/Cleaners. The selection was made on the basis of merit and by following the roster system during 2013, 2014 and 2015.

3. The respondent No.1-Bank has issued Tender Notification for outsourcing the services of the sub-staff on 07.09.2019. On 20.03.2020, 21.03.2020 and 23.03.2020, the petitioners have submitted representations to the respondents to continue their services and regularise in the available vacant posts of sub-staff.

4. The Syndicate Bank came to be merged with the Canara Bank and the services of the petitioners were brought under the jurisdiction and control of respondent No.1-Bank on 01.04.2020. The General Manager (HR) of the respondent No.1-Bank had issued a direction to the Regional/Circle/Branch Offices, thereby directing not to engage unauthorised staff in the Bank, particularly in the lower cadres.



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The respondent No.1-Bank instead of continuing the services of the petitioners, had issued a Tender Notification for outsourcing the services of the sub-staff and pressurised the petitioners to come through outsourcing agencies. The petitioners refused to come through the outsourcing agencies. The respondent No.1-Bank without following the procedure, refused employment to the petitioners.

5. The respondent No.1-Bank has filed statement of objections denying the averments made in the memorandum of writ petition. It is contented that the erstwhile Syndicate Bank has amalgamated with respondent No.1-Canara Bank with effect from 01.04.2020 as per the Amalgamation of Syndicate Bank into Canara Bank Scheme 2020, dated 04.03.2020, issued by the Government of India. It is also contented that the employees are broadly classified into Officers and Award Staff. The Award Staff are governed by the Sastry Award, Desai Award, Bipartite settlement at industry level, which provides for engaging part-time employees who are mainly responsible for cleaning and upkeeping the branch/office premises. It is contented that there is no relationship of employer and



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employee between the petitioners and the respondent-Bank and they have no right to claim for regularisation and the petitioners did not undergo any recruitment process for appointment as a regular employees in the respondent-Bank and hence, prays to dismiss the writ petition.

6. The petitioners have filed rejoinder to the statement of objections filed by the respondent-Bank reiterating the averments made in the memorandum of writ petition and also denied the contents of the statement of objections.

7. Heard the learned counsel for the petitioners and the learned counsel for the respondents.

8. Learned counsel for the petitioners submitted that the petitioners are appointed through due process of law and the then erstwhile Syndicate Bank had issued a paper publication inviting applications for the post of temporary part-time sweepers. Pursuant to the said Notification, some of the petitioners have participated and they have been selected and appointed as a temporary part-time sweepers. It is further submitted that the petitioners have been working since for



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more than nine years, hence their services are required to be regularized. The respondents have declined to regularize the services of the petitioners and issued a Tender Notification inviting tenders for outsourcing the sub-staff and also issued an impugned endorsement dated 07.09.2019. Learned counsel submits that the respondents in refusing the employment to the petitioners with effect from 01.04.2022 is highly arbitrary, unjust and illegal and on this ground, he prays to allow the writ petition.

9. Per contra, learned counsel for the respondent-Bank submits that similarly placed petitioners have approached this Court in Writ Petition No.13202/2022 and Writ Petition No.12877/2022 and the Co-ordinate Bench has dismissed W.P.No.13202/202 on 16.01.2024 and W.P.No.12877/2022 was dismissed on 29.11.2022. He also submits that the petitioners in W.P.No.12877/2022 preferred a writ appeal in W.A.No.214/2023. He submits that the Division Bench has affirmed the order passed in W.P.No.12877/2022 vide judgment dated 27.03.2023. Hence, the petitioners have no right to seek for regularization.



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10. Learned counsel for the respondent-Bank further submits that there is no relationship of employer and employee between the petitioners and the respondent-Bank. He also submitted that there is a memorandum of settlement dated 20.11.2015 providing for recruitment procedure and the respondent-Bank is following the recruitment procedure as per the terms of memorandum of settlement dated 20.11.2015. Hence, on this ground, he prays to dismiss the writ petition.

11. Perused the records and considered the submissions of the learned counsel for the parties.

12. It is an undisputed fact that the petitioners were appointed by the erstwhile Syndicate Bank as a temporary part-time sweepers and they are working since 2016. The similarly placed petitioners approached this Court in W.P.No.13202/2022 and in W.P.No.12877/2022. The Co-ordinate Bench in W.P.No.12877/2022, placing reliance on the judgment of Hon'ble Apex Court in the case of **Secretary, State of Karnataka and others -vs- Umadevi and others**, reported in **AIR 2006 SC 1806**, at paragraph No.53 with regard to regularisation of daily wagers, has held as follows :



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" 53. One aspect needs to be clarified. There may be cases where irregular appointments (not illegal appointments) as explained in *S.V. Narayanappa, R.N.Nanjundappa and B.N. Nagarajan* and referred to in para 15 above, of duly qualified persons in duly sanctioned vacant posts might have been made and the employees have continued to work for ten years or more but without the intervention of orders of courts or of tribunals. The question of regularization of the services of such employees may have to be considered on merits in the light of the principles settled by this Court in the cases above referred to and in the light of this judgment. In that context, the Union of India, the State Governments and their instrumentalities should take steps to regularize as a one time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify that regularization, if any already made, but not subjudice, need not be reopened based on this judgment, but there should be no further by-passing of the constitutional requirement and regularizing or making permanent, those not duly appointed as per the constitutional scheme."



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13. Subsequently the Co-ordinate Bench has placed reliance on the judgment of the Hon'ble Apex Court in case of ***State of Karnataka and others -vs- M.L.Kesari***, reported in ***AIR 2010 SC 2587*** and has clarified the decision of ***Umadevi (cited supra)*** and has laid down at paragraph Nos.8, 9, 10 and 11 as follows :

" 8. *Umadevi (3) [(2006) 4 SCC 1]* casts a duty upon the Government or instrumentality concerned, to take steps to regularise the services of those irregularly appointed employees who had served for more than ten years without the benefit or protection of any interim orders of courts or tribunals, as a one-time measure. *Umadevi (3) [(2006) 4 SCC 1]* directed that such one-time measure must be set in motion within six months from the date of its decision (rendered on 10-4-2006).

9. The term "one-time measure" has to be understood in its proper perspective. This would normally mean that after the decision in *Umadevi (3) [(2006) 4 SCC 1]* , each department or each instrumentality should undertake a one-time exercise and prepare a list of all casual, daily-wage or ad hoc employees who have been working for more than ten years without the intervention of courts and tribunals and subject them to a process verification as to whether they are working against



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vacant posts and possess the requisite qualification for the post and if so, regularise their services.

10. At the end of six months from the date of decision in Umadevi (3) [(2006) 4 SCC 1], cases of several daily-wage/ad hoc/casual employees were still pending before courts. Consequently, several departments and instrumentalities did not commence the one-time regularisation process. On the other hand, some government departments or instrumentalities undertook the one-time exercise excluding several employees from consideration either on the ground that their cases were pending in courts or due to sheer oversight. In such circumstances, the employees who were entitled to be considered in terms of para 53 of the decision in Umadevi (3) [(2006) 4 SCC 1] , will not lose their right to be considered for regularisation, merely because the one-time exercise was completed without considering their cases, or because the six-month period mentioned in para 53 of Umadevi (3) [(2006) 4 SCC 1] has expired. The one-time exercise should consider all daily-wage/ad hoc/casual employees who had put in 10 years of continuous service as on 10-4-2006 without availing the protection of any interim orders of courts or tribunals. If any employer had held the one-time exercise in terms of para 53 of Umadevi (3) [(2006) 4 SCC 1] , but did not consider the cases of some employees who were entitled to the benefit of para 53 of Umadevi (3) [(2006) 4 SCC 1] , the employer concerned should consider their cases also, as a continuation of the



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one-time exercise. The one-time exercise will be concluded only when all the employees who are entitled to be considered in terms of para 53 of Umadevi (3) [(2006) 4 SCC 1] , are so considered.

11. The object behind the said direction in para 53 of Umadevi (3) [(2006) 4 SCC 1] is two fold. First is to ensure that those who have put in more than ten years of continuous service without the protection of any interim orders of courts or tribunals, before the date of decision in Umadevi (3) [(2006) 4 SCC 1] was rendered, are considered for regularisation in view of their long service. Second is to ensure that the departments/instrumentalities do not perpetuate the practice of employing persons on daily- wage/ad hoc/casual basis for long periods and then periodically regularise them on the ground that they have served for more than ten years, thereby defeating the constitutional or statutory provisions relating to recruitment and appointment. The true effect of the direction is that all persons who have worked for more than ten years as on 10-4-2006 [the date of decision in Umadevi (3) [(2006) 4 SCC 1]] without the protection of any interim order of any court or tribunal, in vacant posts, possessing the requisite qualification, are entitled to be considered for regularisation. The fact that the employer has not undertaken such exercise of regularization within six months of the decision in Umadevi (3) [(2006) 4 SCC 1] or that such exercise was undertaken only in regard to a limited few, will not disentitle such employees, the right



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to be considered for regularisation in terms of the above directions in Umadevi (3) [(2006) 4 SCC 1] as a one- time measure."

14. Further there was a Memorandum of Settlement between the respondent-Bank and the Union in terms of the Memorandum of Settlement dated 20.11.2015. The settlement lays the terms and conditions with regard to the recruitment norms/procedures for filling up vacancies of the Housekeepers-cum-Peons. Regularisation is not one of the modes of the recruitment under the settlement. The settlement permits the recruitment by calling for the list of eligible candidates from the District Employment Exchange from and through open advertisement by way of publication in the local newspaper and in circulation in the District where the vacancies exist and posting the advertisement in the website of the Bank. The Co-ordinate Bench considering the entire material on record, has dismissed the writ petitions filed by the similarly placed petitioners.

15. Another Co-ordinate Bench of this Court in the case of ***Gurumurtapa and others -vs- Canara Bank and another, in***



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W.P.No.13202/2022, dismissed the writ petition vide order dated 16.01.2024, on the ground that the petitioners have failed to establish that they have been appointed as per the recruitment norms.

16. In the present case, the respondent-Bank in terms of the Memorandum of Settlement between the Bank and the Union has rightly issued a recruitment notification through outsourcing. The petitioners have not challenged the recruitment notification through outsourcing. The petitioners have only sought for the relief of declaring that the action of the respondent-Bank in refusing employment to the petitioners with effect from 01.04.2022 is highly arbitrary and sought for reinstatement.

17. Admittedly the petitioners have not challenged the recruitment notification through outsourcing. Hence, unless the petitioners challenge the recruitment notification through outsourcing, the petitioners have no vested right in seeking for continuation of their services in the said post. I concur with the



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findings recorded by the Co-ordinate Bench. Hence, I do not find any ground to entertain the writ petition.

18. Accordingly, I proceed to pass the following order:

ORDER

The Writ Petition is ***dismissed***.

In view of dismissal of the writ petition, IA.No.1/2026 does not survive for consideration.

**Sd/-
(ASHOK S.KINAGI)
JUDGE**

BK
List No.: 1 Sl No.: 42