

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRA

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

WP(C).No. 16444 of 2006 (G)

PETITIONER:

K.N. VIJAYAKUMAR, S/O. NARAYANAN,
AGED 52, KALATHIL HOUSE, PONNADU P.O.
ALAPPUZHA.

BY ADV. SRI.J.OM PRAKASH

RESPONDENTS:

1. STATE BANK OF TRAVANCORE,
HEAD OFFICE, TRIVANDRUM.
2. CHIEF LAISON OFFICER (SC/ST/MC CELL)
STATE BANK OF TRAVANCORE, HEAD OFFICE, TRIVANDRUM.

R1 BY ADV. SRI.P.RAMAKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC.16444/06

PETITIONER'S EXTS:

- EXT.P1: COPY OF REPRESENTATION DT.20.1.04 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXT.P2: COPY OF COVERING LETTER DT.6.7.04 SEND BY CENTRE FOR DALIT WELFARE ASSOCIATION.
- EXT.P3: COPY OF REPLY DT.2.8.04 ISSUED BY 2ND RESPONDENT TO THE GENERAL SECRETARY, CETNRE FOR DALIT WELFARE ASSOCIATION.
- EXT.P4: COPY OF LETTER DT.25.10.04 ISSUED BY 2ND RESPONDENT TO THE GENERAL SECRETARY, CENTRE FOR DALIT WELFARE ASSOCIATION.

RESPONDENTS' EXTS:

- EXT.R1(A): COPY OF CIRCULAR NO.29 OF 2007 DT.26.7.07 ISSUED BY THE RESPONDENT.

TRUE COPY

P.S.TO JUDGE

dsn

ANIL K.NARENDRA, J.

W.P.(C).No.16444 of 2006

Dated this the 03rd day of June, 2015

JUDGMENT

The petitioner, who was working as Record Keeper/Godown Keeper in the D.C.Road Branch of State Bank of Travancore at Alappuzha has filed this Writ Petition seeking a writ of mandamus commanding the respondents to give him permanent CTO allowance from the year 2003 onwards.

2. Going by the averments in the Writ Petition the petitioner joined service of the 1st respondent Bank in the year 1980 as Peon at its Kulanadu Branch. Later he was promoted as Record Keeper/Godown Keeper in the year 1992. According to the petitioner, ever since his promotion as Record Keeper/Godown Keeper he has been doing clerical work and that during computerisation he was allotted additional work of Computer Terminal Operator (CTO). The petitioner would submit that, he had attended the computer training programme and the 1st respondent Bank had given the honorarium for the same. After computerisation the Bank had given temporary allowance to three CTOs and the petitioner was allotted clerical work on the ground that he was not eligible for CTO allowance. In such circumstances he has submitted Ext.P1 representation.

3. It appears that the petitioner represented his grievance before the Centre for Dalit Welfare Association, who in turn submitted Ext.P2 representation before the 1st respondent. To Ext.P2, the 2nd respondent sent Ext.P3 reply stating that as per the existing policy of the Bank all employees in Clerical cadre (other than Record Keeper/Godown Keeper employees) working in the State of Kerala having a minimum of five years service are eligible for the post of CTO and the postings/selections are made on the basis of the vacancies of CTOs. Later by Ext.P4 the 2nd respondent has informed the General Secretary of the Association that whenever a CTO is on leave the CTO work is entrusted to the petitioner and the eligible allowance is paid to him. The grievance of the petitioner in this Writ Petition is that he has not been given permanent CTO allowance but put in temporary service of CTO which is illegal. Therefore the petitioner is seeking a writ of mandamus commanding the respondents to give him permanent CTO allowance since 2003.

4. A counter affidavit has been filed on behalf of the 1st respondent in which it has been stated that the petitioner could not be posted as CTO since there were other members of the clerical staff who were senior to him at the branch. Therefore, only when one of the senior most clerks was on leave the petitioner was entrusted with the work of CTO at the branch. The 1st respondent has also stated that the State Bank

of Travancore Employees Union, the recognized union representing the workmen of the bank, had entered into a Memorandum of Understanding with the management dated 15.12.2004, as per which the Record Keeper/Godown Keeper functioning in branches will not be designated as CTOs. The decision in the said Memorandum was circulated by Ext.R1(a) Staff Circular dated 26.7.2007. According to the 1st respondent, the said decision was reached on the understanding that the Record Keeper/Godown Keeper will not be able to handle the latest technology of Core Banking introduced by the Bank. Therefore specific stand taken by the first respondent in its counter affidavit is that the petitioner is not entitled to be designated as CTO and he is also not eligible for permanent CTO allowance.

5. I heard the learned counsel for the petitioner and also the learned Standing Counsel for the respondent Bank.

6. The claim of the petitioner for permanent CTO allowance is on the ground that he is discharging the duties of CTO from the year 2003 onwards. Such a request was made by the petitioner in Ext.P1. When the petitioner represented his grievance through Ext.P2 representation of the Dalit Welfare Association, the respondent Bank issued Ext.P3, which was followed by Ext.P4. A reading of Exts.P3 and P4 would show that the petitioner is not legally entitled for permanent CTO allowance. Further

going by the specific stand taken by the 1st respondent in their counter affidavit, the Record Keeper/Godown Keeper functioning in the branches will not be designated as CTOs and such a decision was taken based on a Memorandum of Understanding entered into by the Management with the recognized trade union representing the workmen of the Bank, which is evident from Ext.R1(a) Staff Circular. Therefore going by Ext.R1(a) the petitioner is not entitled to be designated as CTO and consequently he is also not eligible for permanent CTO allowance. If that be so, the petitioner is not entitled for the reliefs prayed for in this Writ Petition.

In the result, the Writ Petition fails and the same is dismissed. No order as to costs.

ANIL K.NARENDHAN, JUDGE

skj

True copy

P.A to Judge