

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

WP(C).No.34635 of 2014 (D)

PETITIONER:

**DIVYA.N,D/O.A.K.NARAYANAN,ASHWATHY HOUSE,
MADAPPALLY P.O,CHANGANASSERRY,KOTTAYAM-686 546.**

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:

- 1. STATE BANK OF INDIA,
REPRESENTED BY ITS CHAIRMAN,
CORPORATE CENTRE,MADAME CAMA ROAD,
MUMBAI-400 021.**
- 2. THE CHIEF GENERAL MANAGER,
HUMAN RESOURCES DEPARTMENT,
STATE BANK OF INDIA,CORPORATE CENTRE,
MUMBAI - 4000 21.**
- 3. THE CHIEF GENERAL MANAGER,
STATE BANK OF INDIA,LOCAL HEAD OFFICE,
KOVIL ROAD THAMPANOOR,THIRUVANANTHAPURAM-695 001**
- 4. THE GENERAL MANAGER,HR DEPARTMENT,
STATE BANK OF INDIA,LOCAL HEAD OFFICE,
KOVIL ROAD,THAMPANOOR,
THIRUVANANTHAPURAM-695 001**
- 5. THE REGIONAL MANAGER,
STAE BANK OF INDIA,BUSINESS OFFICE,
THIRUNAKKARA KOTTAYAM - 686 001**

BY SRI.P.V.SURENDRANATH,SC,SBI

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 - TRUE COPY OF THE LETTER DATED 9-4-2008.

EXT.P2 - TRUE COPY OF THE REPORT.

EXT.P3 - TRUE COPY OF THE LETTER DATED 5-4-2010.

EXT.P4 - TRUE COPY OF THE APPEAL DATED 11-4-2010 SUBMITTED BEFORE
THE 3RD RESPONDENT.

EXT.P5 - TRUE COPY OF THE LETTER DATED 20-7-2010.

EXT.P6 - TRUE COPY OF THE JUDGMENT DATED 26-6-2014 IN
WPC.NO.27178/2010.

EXT.P7 - TRUE COPY OF THE LETTER DATED 1-10-2014.

EXT.P8 - TRUE COPY OF THE ORDER DATED 1-10-2014.

EXT.P9 - TRUE COPY OF THE DISCHARGE CARD ALONG WITH COPY OF THE
CHILD HEALTH RECORD ISSUED BY DR.SARTH CHANDRA,
GYNECOLOGIST, CNK HOSPITAL CHANGANASSERRY

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P.(C) No.34635 of 2014

Dated this the 19th day of February, 2015

JUDGMENT

The petitioner worked as Officer-Marketing and Recovery (Rural) (for short, OMR) on contract basis in the branch of the State Bank of India. The Bank has a policy to renew the contract of appointment and also absorption of OMR into regular service based on the performance of the OMR in the State Bank of India. The petitioner's case is that her contract was not renewed on account of want of qualifying service.

2. The petitioner has a case in this matter that the period from 1.12.2009 to 31.3.2010 being a period of maternity leave to be excluded from the assessing period. The petitioner also has a case that the period from 1.11.2009 to 30.11.2009 also to be excluded from the assessment period on account of privilege leave obtained by her.

3. The learned Standing Counsel for the Bank submit that the period from 1.12.2009 to 31.3.2010, the maternity leave, in

fact, the petitioner was entitled. However, it was not brought to the notice of the Bank by the petitioner. However, it is denied that the petitioner is entitled for exclusion of the privilege leave. It is submitted by the learned Standing Counsel for the Bank that the Bank is willing to reconsider the matter after excluding the maternity leave period from 1.12.2009 to 31.3.2010. It is further submitted that Ext.P8 was passed without reckoning the period involved from maternity leave for the reason that it was not brought to the notice of the Bank by the petitioner.

In view of the fact that the Bank is willing to reconsider the matter to exclude the period involved from maternity leave for the assessment period, without prejudice to the other contentions in the writ petition, the writ petition is disposed of with a direction to the Bank to pass fresh orders in the matter. Needful shall be done within a period of four weeks from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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