

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.390 OF 2003

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India to issue a writ, order or direction more particularly one in the nature of a Writ of Certiorari call for the records and quash the impugned proceedings of the first respondent vide letter No.666/20/L/308, dated 30.09.2002 and pass appropriate orders.

2. The facts leading to filing of the present writ petition are in brief as follows: The respondent – Bank has utilised the services of the petitioner in the leave vacancy of permanent sub-staff during the year 1987 to 1993. Thereafter, the respondent – Bank discontinued the services of the petitioner. Feeling aggrieved by the action of the respondents, the petitioner filed W.P.No.16806 of 2002 seeking for regularisation of his services. This Court dismissed the writ petition on 04.09.2002 with a direction to the respondent to consider the case of the petitioner. In pursuance of the order passed by this Court in W.P.No.16806 of 2002, the petitioner submitted a representation to the respondent – Bank, who in turn disposed of the same on 30.09.2002 expressing inability to utilise the services of the petitioner. Feeling aggrieved by the order of the first respondent dated 30.09.2002, the petitioner filed the present writ petition.

3. The respondents filed common counter *inter alia* contending that the bank utilised the services of the petitioner in leave vacancies of permanent sub-staff working in the branches of the Bank located in East Godavari District during the year 1987 to 1993. The petitioner never worked for a period of 240 days in any 12 consecutive calendar months. In pursuance of the Approach Paper issued by the Government of India, the bank issued a fresh notification in leading Newspapers and also a Circular No.310, dated 18.10.1991 inviting applications from all temporary employees for preparing the panels of

such temporary employees afresh District-wise. A Settlement dated 09.01.1995 was also entered into by the bank as regards the modalities for empanelment and absorption of these temporary employees. The petitioner did not respond to the Press Notification. The entire process of empanelment was concluded in the year 1995 itself. Hence, the writ petition may be dismissed.

4. Heard Smt. S.Nanda, the learned counsel for the petitioner and Dr. K.Lakshmi Narasimha, the learned Standing Counsel for Andhra Bank (respondent Nos.1 to 3).

5. No doubt, the respondent – Bank has utilised the services of the petitioner in leave vacancies of permanent sub-staff during the year 1987 to 1993. It is an admitted fact that the respondent – Bank never utilised the services of the petitioner after 1993. After waiting for a period of nine years, the petitioner approached this Court and filed W.P.No.16806 of 2002 for regularisation of his services. However, this Court dismissed the writ petition filed by the petitioner with the following observations:

“The writ petition is accordingly dismissed. However, if the approved list is in force and if the respondent-Bank is going to engage the services of persons enlisted in the approved list as a temporary peon, they shall consider the engagement of the petitioner as temporary sub-staff member during the leave vacancy of the respondent-Bank permanent sub-Staff Members. No costs.”

6. The petitioner submitted a representation to the respondent – Bank for regularisation of his services. The respondent – Bank after giving a reasonable opportunity to the petitioner disposed of the representation submitted by the petitioner. A perusal of the record clearly reveals that the petitioner did not approach the bank officials for empanelment of his name in pursuance of circular No.310, dated 18.10.1991. It seems that the petitioner knowing fully that he is not qualified for regularisation might not have made an application to the respondent – Bank. Simply because the respondent – Bank utilised

the services of the petitioner in the leave vacancies of permanent sub-staff, automatically would not confer any legal right for absorption. A perusal of the record further reveals that the petitioner did not work continuously for a period of 240 days in any calendar year at least to consider the case of the petitioner on sympathetic grounds by the respondent – Bank. The petitioner simply filed the writ petition to quash the proceedings dated 30.09.2002. The respondent – Bank has assigned cogent and valid reasons while disposing of the representation submitted by the petitioner. Hence, there are no grounds much less valid grounds to set aside the order passed by the respondent – Bank.

7. Accordingly, the Writ Petition is dismissed. No costs.

8. Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 20.03.2015

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