

HON'BLE SRI JUSTICE R.KANTHA RAO

W.P.No.16865 of 2015

ORDER:

Heard learned counsel appearing for the petitioners, learned Assistant Solicitor General appearing for the first respondent and learned Standing Counsel for SBI appearing for respondents 2 to 5.

Challenging the action of the respondents in not considering the representation made by the petitioners on 24.03.2015 whereby and whereunder they sought reinstatement into service as Messengers/IV Grade Workmen/IV Grade Employees at State Bank of India, Palasa Branch, Srikakulam District, on regular, temporary or outsourcing basis, the present writ petition has been filed.

The petitioners were appointed by the respondent-authorities as Workmen/Messenger/IV Grade employees in 1989, 1990 and 1991 at 5th respondent-Branch. To breakup their seniority and to avoid regularization, the respondent-authorities made Memorandum of understanding agreement with the petitioners' Union and association on certain terms and conditions. The petitioners have completed 90 days service. Instead of regularizing their services, the respondent-authorities orally removed them from

service on 31.7.1991/1.8.1991 without following due process of law. Challenging the same, they approached the Industrial Tribunal at Visakhapatnam. Thereafter, the said ID was transferred to Industrial Tribunal at Hyderabad and re-numbered as I.D.No.185 of 2002 and the same was disposed of on 17.05.2005 in favour of the respondent-authorities. Challenging the same, writ petitions were filed by the employees and the same were allowed. Aggrieved by the same, the respondent authorities filed W.A.No.1268 of 2014 & batch wherein a Division Bench of this Court on 13.10.2014 passed the interim order observing as under:

“Hence, the WAMPs are disposed of suspending the order of the learned Single Judge subject to the condition that the appellants shall be under obligation to engage the respondents/workmen for discharging the functions, which they were entrusted earlier in the relevant units of appointment, without taking recourse to appointing any other fresh candidate”.

The grievance of the petitioners is that without following the interim order passed by Division Bench of this Court on 13.10.2014 in W.A.No.1268 of 2014, the respondent-authorities are trying to appoint fresh candidates on outsourcing basis.

In that view of the matter, the respondents are directed to consider the representation made by the petitioners on 24.3.2015 and pass appropriate orders

thereon within a period of one month from the date of receipt of a copy of this order by following the interim order dated 13.10.2014 passed by Division Bench of Court in W.A.No.1268 of 2014.

Accordingly, the Writ Petition is disposed of.
There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this writ petition stand closed.

JUSTICE R.KANTHA RAO,J

15th June, 2015
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