

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17251 of 2013

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Dabloo Kumar Chaudhary son of Sri Kartik Chaudhary, resident of village+ PO-Dumaria Bujurg, PS-Parbatta, District-Katihar.

.... Petitioner/s

Versus

1. Chairman-cum-Managing Director, Union Bank of India, Union Bank Bhawan-239, Bidhan Bhawan, Marg, Mumbai.
2. The Chief Manager, Union Bank of India, Nodal Regional Office, Nasheman, Ist Floor, Mazharu Haque Path, Patna- 1
3. The Regional Manager, Union Bank of India, Nodal Regional Office, Nasheman, 1st Floor, Mazhrul Haque Path, Frazer Road, Patna- 800001.
4. The Branch Manager, Union Bank of India, Parbatta Branch, P.S- Parbatta, District- Khagaria.
5. Sri Kumar Purhendu Shekhar through the Regional Manager, Union Bank of India, Nodal Regional Office, Nasheman, 1st Floor, Mazhrul Haque Path, Patna- 800001.
6. Ravi Kumar, through the Regional Manager, Union Bank of India, Nodal Regional Office, Nasheman, 1st Floor, Mazhrul Haque Path, Patna- 800001.
7. Jitendra Kumar, through the Regional Manager, Union Bank of India, Nodal Regional Office, Nasheman, 1st Floor, Mazhrul Haque Path, Patna- 800001.
8. Ritesh Kumar, through the Regional Manager, Union Bank of India, Nodal Regional Office, Nasheman, 1st Floor, Mazhrul Haque Path, Patna- 800001.
9. Manoj Kumar, through the Regional Manager, Union Bank o India, Nodal Regional Office, Nasheman, 1st Floor, Mazhrul Haque Path, Patna- 800001.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Harendra Kumar Singh, Adv.

For the Respondent/s : Mr. Nishi Nath Ojha, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 27-06-2016

Heard learned counsel for the petitioner and learned counsel for the respondents.

In this case, the petitioner is seeking appointment as a sub-staff in the Bank.

As per the claim of the petitioner, he was discharging the duty of Sweeper in the Bank. When the matter came for appointment,



he was not allowed to appear in the interview, approached this Court in C.W.J.C. No. 12082 of 2005, vide order dated 18.09.2007, this Court considered the factual aspect of the matter, has taken into consideration the plea of the Bank that the Bank had issued the interview letter by registered post on 3rd January 2005, many weeks before the scheduled date of the interview, but the Postal Department failed to deliver the interview letter in time, for such failure the petitioner has freedom to sue the department, bank cannot be held responsible. Admittedly, on account of non-service of notice, the petitioner could not appear before the Interview Board.

Looking to the attending facts and circumstances, this Court directed to consider the case of the petitioner with sympathy and eligibility. Accordingly, the case of the petitioner was rejected vide order dated 18.02.2012 (Annexure-5) only on the ground of over age.

The counsel for the Bank, during the argument has submitted that the eligibility age for appointment of part time Sweeper is in between 18-23 years and admittedly on the date of the consideration petitioner was above 23 years and in support of his submission he has placed reliance on the Circular No. 2198 dated 4th September, 1980 which reflects the eligibility from which it appears that the age for sweeper is in between 18-23 years.

The counsel for the petitioner has stated that the petitioner had worked in Bank for the long period has been disputed by the counsel for the Bank, but submitted that for some time the petitioner had worked as a daily wager, but no work has been taken from him for a long period and as such, he cannot be treated to have worked with the Bank.

This Court is not deciding the case on merit.

On the request of the counsel for the petitioner is permitted to withdraw this case with a liberty to raise grievances in terms of Industrial Disputes Act, 1947.

Accordingly, this petition is disposed of.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	18.07.2016
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