

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO**

WRIT APPEAL No.491 of 2007

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JUDGMENT: (per Hon'ble Sri Justice Sanjay Kumar)

The Officers of the Syndicate Bank, Hyderabad, the respondents in W.P.No.102 of 1997, filed this appeal aggrieved by the order dated 17.01.2007 passed by a learned Judge allowing the writ petition.

The issue before the learned Judge was as to the validity of the proceedings dated 04.01.1997 of the bank dispensing with the services of the respondent/writ petitioner. The respondent/writ petitioner was appointed as a Sweeper in the vacancy caused due to the retirement of her mother. However, the bank found that she was over-aged and had produced a false certificate for securing the appointment. The learned Judge took note of the fact that the respondent/writ petitioner was not even put on notice and without following the due procedure laid down by law, the bank had terminated her services. The learned Judge accordingly directed the bank to either consider the case of the writ petitioner for regularisation of her services if she was otherwise eligible or if she had attained the age of superannuation, settle her account duly giving her the benefit of continuity of service till the date of her attaining superannuation.

Perusal of the material placed on record reflects that the respondent/writ petitioner worked as a Badli Sweeper from 01.07.1995 and sought regularisation of her services in February/May, 1996. The learned Judge took note of the fact that the respondent/writ petitioner's mother worked as a Sweeper from 16.04.1969. However, there is no indication as to the length of service actually rendered by the respondent/writ petitioner, whereby she could have claimed the benefit

of either regularisation in service or continuity of service.

In **Senior Superintendent Telegraph (Traffic), Bhopal v. Santosh Kumar Seal**^[1], the Supreme Court observed that a workman engaged on daily basis long ago who may not have worked for more than two or three years would not be entitled to the relief of reinstatement and back wages and in lieu thereof, monetary compensation would sub-serve the ends of justice, in the event the management illegally terminated the services of such workman.

In the present case, it is conceded before us that the respondent/writ petitioner attained the age of superannuation during the pendency of the present proceedings and would therefore not be entitled to the relief of consideration of her case for regularisation in service. Given the fact that she worked for only a brief period prior to termination from service by the bank without following the due procedure, we are of the opinion that monetary compensation to the tune of Rs.40,000/- would sub-serve the interests of justice.

Sri Deepak Bhattacharjee, learned counsel for the appellants, and Sri Ch. Siva Reddy, learned counsel for the respondent/writ petitioner, are agreeable to disposal of this appeal in terms of the afore-stated direction.

The writ appeal is accordingly disposed of directing the Syndicate Bank to pay to the respondent/writ petitioner a sum of Rs.40,000/- (Rupees Forty Thousand only) as lumpsum compensation for illegally terminating her from service without following the due procedure. This amount shall be remitted to the respondent/writ petitioner within one month from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in

the light of this final order. No order as to costs.

SANJAY KUMAR, J

Dr. B. SIVA SANKARA RAO, J

Date:20.06.2016

GJ

[\[1\]](#) (2010) 6 SCC 773