

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.22778 of 2015
Date of Decision: 08.01.2016

Vinod Kumar and others

. . . .Petitioners

Versus

Punjab & Sind Bank and others

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.T.S. Sidhu, Advocate, for
Mr.Jagdev Singh, Advocate,
for the petitioners.

RAKESH KUMAR JAIN, J.

The petitioners have prayed for quashing of order dated 14.5.2015, rejecting the claim of the petitioners for regularization of their services.

In short, the petitioners, working as peons, raised an industrial dispute, which was referred to the Industrial Tribunal-cum-Labour Court-I, Chandigarh to decide as to whether the action of the management of Punjab & Sind Bank, in employing the petitioners, from the last 8 to 18 years on daily wage basis is justified. The case of the petitioners was that their names were sent for regularization of their services vide notification W2. The Labour Court passed the award on 17.9.2010 observing that "*it is true that this Tribunal generally should not direct the management for regularization of their services unless it is not the case of the glaring injustice by violating any rules of regularization. As mentioned above*

circular letter W2 has been violated by the management. Accordingly, the management is directed to consider the claim for regularization of the services of each workman as per the information given and antecedents provided to the management vide letter W2”.

The award dated 17.9.2010 was challenged by the Bank by way of CWP No.4143 of 2011, which was disposed of on 21.4.2015 with the following order: -

Petitioner has approached this Court by challenging the Award dated 17.09.2010 (Annexure P-1) passed by the Central Government Industrial Tribunal-cum-Labour Court-I, Chandigarh, whereby, the directions have been given to the Management to consider the claim to regularize the services of each workman, as per letter dated 25.07.2005, Annexure P-5, Ex.W2.

Learned counsel for the petitioner contends that the letter Annexure P-5 does not indicate the intention or proposal of the Management to regularize the services of the workman. Since the Management would be within its right to consider the claim of the workman and decide the same.

With the aforementioned observations, nothing survives in the present writ petition.

Accordingly, the writ petition is disposed of.”

Thereafter, the Bank passed the order on 14.5.2015.

The relevant portion of the order read as under: -

“(a) The letter W2 did not indicate intention or proposal of the management to regularize your service. By way of the said

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I attest to the accuracy and
authenticity of this document
High Court Chandigarh

letter mere information was sent by the Zonal Office in response Head Office circular for furnishing particulars of the temporary peons without involving the issue of regularization.

(b) No other temporary Peon has regularized by the Management on the basis of letter W2.

(c) No advertisement was issued by the Management before your engagement, you did not move application for appointment, no interview letter was issued nor any appointment letter was given to your (including 4 others) for appointment in Bank.

Thus procedure under the recruitment rules of Bank for appointment of peons in the Bank was not followed before your engagement.

(d) Zonal Manager is the competent authority for making appointment of peons in the Bank whereas you have been engaged by the Manager(s) of the Branch(s) concerned to meet the exigencies of service paid from miscellaneous/general charges heads.

(e) You were neither engaged against sanctioned posts nor the general principles for making public appointment in terms of Articles 14/ 196 of the Constitution of India was adhered while engaging you.

(f) No temporary Peon engaged in the Bank in the manner of your engagement having lesser/longer tenure than you have been regularized.

(g) At this stage the Bank has no policy for regularization of services of casual labour/temporary peons engaged by the

Branch Manger(s) to meet the exigencies of service.”

Aggrieved against the order dated 14.5.2015, the present petition has been filed.

Learned counsel for the petitioners has argued that the respondents have erred in rejecting the claim of the petitioners for regularization of their services though they have been working from the last 8 to 18 years.

After hearing learned counsel for the petitioners and examining the available record, I have found that the whole case of the petitioners is based upon the letter W2 about which observations have been given by the respondents that it does not indicate the intention or proposal of the management to regularize their services rather the said letter only provided the information about the particular temporary peons. The impugned order also spells out that the service of no other temporary peon has been regularized by the respondents on the basis of letter W2.

In view therefore, there is no error in the impugned order dated 14.5.2015 and thus, the present petition is hereby dismissed being without any merit.

08.01.2016

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**