



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.06.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**

AND

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.A. [MD] .No.725 of 2017

and

CMP (MD) .No. 5489 of 2017

1. The Competent Authority,
Indian Overseas Bank,
Central Office No.763,
Anna Salai,
Chennai - 02

2. The Chief Manager,
Indian Overseas Bank,
Regional Office,
Tirunelveli.

: Appellants

Vs.

K.Paramasivan

: Respondent

PRAYER: The Writ Appeal is filed under Clause 15 of Letters Patents Act, against the order dated 25.11.2014 passed in W.P. (MD).No.1870 of 2014.

Prayer in WP(MD). 1870/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st Respondent to consider the petitioner's application dated 15.04.2011 forwarded by the 2nd Respondent and absorb me as sweeper in the respondent bank as per the circular dated 23.03.11 and pay all service and monetary benefits from the dated of absorbing other sweepers within the time fixed by this Hon'ble Court.

For Appellants

:Mr.N.G.R.PRASAD

For Respondent

:Mr.V.Kannan

JUDGMENT

[Judgment of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard the learned counsels for the parties. This appeal by the petitioner Bank is directed against the order dated 25.11.2014 passed in W.P. (MD).No.1870 of 2014.



2.The respondent/writ petitioner joined services of the appellant bank as a part time Sweeper and continued for 19 years. When he sought for absorption as a regular employee, the appellant Bank took a hyper technical plea that the respondent/writ petitioner has not completed 5th standard. It is not as if the appellant bank was not aware of the educational qualification of the respondent /writ petitioner, as he has been working for 19 years in the appellant bank.

3.The appellant bank or other officers cannot deny the fact that the post of Sweeper is an essential post. Therefore, the same cannot be dispensed with and if the same is done that the officer and clerical staff of the bank have to undertake such work of the sweeper and cleaners, which obviously they cannot be asked to do. One more contention raised by the appellant is that there is a scheme which has been framed by them for regularisation. The services of the respondent /writ petitioner has been engaged for 19 years and at this distance of time such technical plea cannot be raised.

4.Thus, we are of the view that, no grounds have been made out by the appellants to interfere with the order passed by the writ Court. Hence, the writ appeal is dismissed. No Costs. Consequently, connected Miscellaneous Petitions is closed.

Sd/-

Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

To

1. The Competent Authority,
Indian Overseas Bank,
Central Office No.763,
Anna Salai, Chennai - 02

2. The Chief Manager, Indian Overseas Bank,
Regional Office, Tirunelveli.

+1 CC to M/s.M.P.SENTHIL, Advocate, SR No. 60702/17.
+1 CC to M/s.V.KANNAN, Advocate, SR No. 60660/17.

DSK/RMK

PSM/KP/SAR2/06.07.2017/2P/5C

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