

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT APPEAL No.1187 of 2016

Between:

1. A.P. Grameena Vikas Bank, Head Office, at Warangal (now Telangana Grameena Bank, Head Office at Hyderabad), Nallakunta, Opp: Shankarmutt, Hyderabad, and others.

PETITIONERS

And

1. Grameena Vikas Bank Temporary Employees Union, Head Office: Warangal, Regd.No.H-7/2014, rep. by its Secretary, M. Narasing S/o. Biksham Singh, Working at Suryapet, PSR Road Branch of A.P. Grameena Vikas Bank, Head Office Warangal (now Telangana Grameena Bank, Head Office at Hyderabad), Nalgonda District, and others.

RESPONSENTS



THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

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JUDGMENT: (Per Hon'ble Sri Justice V. Ramasubramanian)

The writ appeal arises out of an interim order passed by a learned Single Judge in a writ petition filed by the 1st respondent-employees union.

2. Heard Ms. V. Uma Devi, learned counsel for the appellants and Mr. M. Rajamalla Reddy, learned counsel for the 1st respondent.

3. The 1st respondent claims to be a union of temporary employees working in the appellant-Bank. When a circular was issued on 24.10.2014 by the Management of the Bank making the casual employees liable to be transferred once in three years, the 1st respondent filed a writ petition in W.P.No.36073 of 2014. The operative portion of the Circular dated 24.10.2014 impugned in the writ petition reads as follows:

“As you are aware that Branches are aware that Branches are engaging Casual labour, where permanent Office Attendants are not posted.

In view of the acute shortage in the Office Attendant cadre, engaging, Casual labour at branch level is in vogue. Of late, we observe that some of the casual labourers who are engaged for long time on daily basis are resorting to malpractices thus tarnishing the image of the Bank, which is a matter of concern.

In the circumstances, we have reviewed the matter and decided as under:

‘All the Regional Managers are hereby instructed to ensure that the Casual labour engaged should not be in the same branch for a period of more than three years and they should be engaged at the nearest branches with a minimum distance of 20 to 30 Kms. You would agree with us that this will facilitate arresting the access to the casual labour to the same branch environment.’

Please follow the instructions meticulously and comply with the directions before 31st October, 2014, under confirmation. Please bring the contents of this circular to all the staff members working under your control.”

4. While admitting the writ petition a learned Single Judge granted an interim stay on 03.12.2014. The management filed an application for vacating the interim stay. By an order dated 27.09.2016, the learned Judge disposed of the stay petition and vacate stay petition to the following effect.

“The circular dated 24.10.2014 enables the Regional Managers to transfer the casual labour engaged by them and who have been working for a period of more than three years and to adjust them to nearby branches situated within a distance of 20 to 30 KMs. The said circular was suspended by this Court by an order dated 03.12.2014 and seeking vacation of the said order WVMP No.3915 of 2014 is filed.

It is brought to the notice of this Court that the issue with regard to regularization of the casual labour is pending before the Assistant Commissioner of Labour. Learned counsel for the respondents submits that they should have the liberty to transfer permanent employees and the petitioners should not object the same, but the learned counsel for the petitioners submits that under the guise of transfer of regular employees the casual labour are being retrenched.

In view of pendency of the matter before the Assistant Commissioner of Labour, the status quo prevailing as on 03.12.2014 with regard to casual labour shall be maintained, but it is open to the respondents to transfer the regular employees wherever they choose. If there is any transfer of casual labour by virtue of the transfer of permanent employees the order granted on 03.12.2014 will not prevent the management from transferring the casual labour in such contingencies.

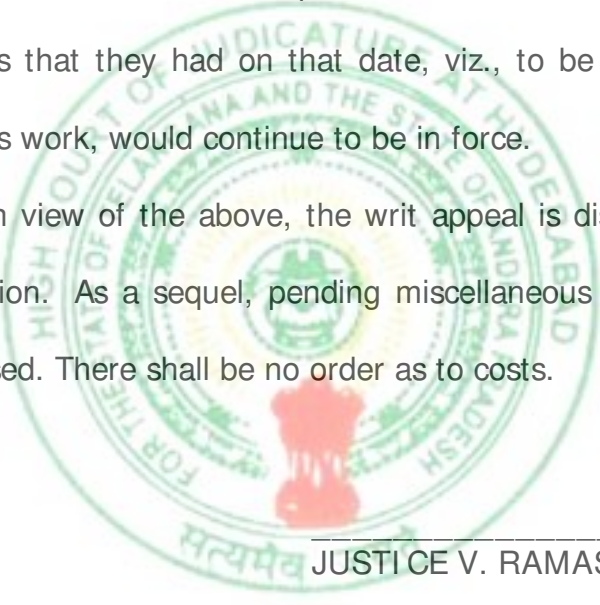
The WVMP is accordingly ordered.”

5. Aggrieved by one portion of the order, directing the management to maintain status quo prevailing as on 03.12.2014, the management has come up with the above writ appeal under the apprehension that they will be obliged by the impugned order to continue to engage the casual labours everyday without fail, even when there was no work. In other words, the management is not primarily aggrieved with the last portion of the order of the learned Single Judge, which enables the management to subject the casual labours to transfer, as indicated in the last portion of the order.

6. But the management is aggrieved only with regard to the direction to maintain status quo. The management apprehends that this order would mean that a casual labour will have to be engaged on all days irrespective of the availability of the work.

7. The apprehension of the management is not well founded. The subject matter of the writ petition was not either with respect to the engagement of the casual labour on all days or with respect to their claim for regularisation. There was not even a prayer by the workers union to continue to engage their services without interruption before the learned Single Judge. Therefore, status quo as on 03.12.2014 would mean whatever rights that they had on that date, viz., to be engaged as and when there was work, would continue to be in force.

8. In view of the above, the writ appeal is dismissed with the above clarification. As a sequel, pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.



JUSTICE V. RAMASUBRAMANIAN

JUSTICE G. SHYAM PRASAD

5th January, 2017
Js.

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

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Date: 05-01-2017

Js.