

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8661 of 2011

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Rajesh Das S/O Late Dadhilal Das R/O Village- Tatpauwa, P.S.- Sukhar,
District- Kishanganj

... .. Petitioner/s

Versus

1. The State Bank of India
2. The Deputy Manager, Zonal Office, State Bank Of India, Bhagalpur
3. The Assistant General Manager-Cum Regional Manager, Region- III,
Administrative Office, State Bank
4. The Branch Manager, State Bank Of India, Kadogaon Branch, Kishanganj

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Raj Kumar
For the Respondent/s : Mr.Kaushlendra Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 22-07-2019

Heard counsel for the petitioner and counsel for the
respondents-Bank.

Petitioner was a sweeper in the respondent-bank. He claims to have been serving since September,1991. Bank came out with a circular dated 21.02.2006 (Annexure 2). Under clause 3 I (a)(iii), petitioner claims grant of full time scale and regularization.

Petitioner's claim had not been considered and he had approached this court in the proceedings arising out of CWJC no.12554/2010. This court had disposed of the writ petition with a direction to the respondent-authorities to consider recommendation made in favour of the petitioner for conversion to full time scale as general attendant and salary fitment. Pursuant thereto petitioner's claim



was rejected by a speaking order dated 23.10.2010 which is impugned in the instant proceedings.

Claim of the petitioner has been rejected by assigning reason that he was not eligible for grant of full time scale as general attendant since he was not part time employee of the respondent- bank and therefore, was not eligible for benefit under circular dated 21.02.2006.

Petitioner has placed on record recommendation made by the Branch Manager. Same is dated 26.06.2006. Format has been filled up showing the petitioner as part time employee. On the format declaration is being given by the Branch Manager that particulars are correct as per record available and recommendation has been made for fitment of his salary full time scale with effect from 01.04.2006 in terms of circular dated 21.02.2006. The recommendation is specific to the extent that the petitioner was to be considered as a part time employee, whose recommendation had earlier been sent by Assistant General Manager on 06.06.2002 wherein also petitioner was shown as working at “fixed rate”. Clearly petitioner's claim could not have been rejected by assigning any reason that he was not a part time employee in view of the said recommendation made by the authority of the respondent-bank.

Petitioner has specifically asserted recommendation of his claim as part time employee for conversion to full time scale as a general attendant. Recommendation is dated 26.06.2006 (Annexure 5). Specific averment made in support of the said recommendation in para 9 of the writ petition has also not been denied or disputed by the



respondent-authorities. They have only said that he was not found suitable or eligible. Recommendation however, has not been denied wherein there is a clear recommendation that he was a part time employee in terms of circular dated 21.02.2006. Order rejecting claim of the petitioner dated 23.10.2010 is clearly unsustainable in law. The same is hereby quashed.

Respondent-authorities should take a decision in respect of petitioner's regularization treating petitioner's claim as part time employee in terms of circular dated 26.06.2006 (Annexure 5 of the writ petition). If there is no other legal impediment, petitioner's claim for regularization should be considered favourably and benefit be granted to the petitioner expeditiously, without undue delay and preferably within a period of three months from the date of receipt/production of a copy of this order.

Writ petition is allowed.

(Madhuresh Prasad, J)

s.hassan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.8.2019
Transmission Date	NA

