

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.A.No.2361 of 2013

N. VEERAPPAN

...

appellant /Petitioner

Vs

- 1 THE CHAIRMAN & MANAGING
DIRECTOR PUNJAB & SIND Bank
BANK HOUSE 21
RAJENDRA PLACE NEW DELHI.
 - 2 THE GENERAL MANAGER (PERSONNEL)
PUNJAB & SIND BANK BANK HOUSE 21
RAJENDRA PLACE NEW DELHI.
 - 3 THE ZONAL MANAGER
PUNJAB & SIND BANK ZONNAL OFFICE 1ST FLOOR
SPENCER TOWERS 770-A ANNA SALAI CHENNAI-2.
 - 4 THE CHIEF MANAGER
PUNJAB & SIND Bank
770-A ANNA SALAI
CHENNAI-2.
- ... respondents

Writ Appeal filed against the order passed by this Court dated 19.9.2013 in WP No.16147/2005.

Writ Petition filed under Article 226 of Indian Constitution for a Writ of Mandamus to direct the respondents to regularize the services of the Petitioner.

For appellant : M/s.R.Subramanian,
Mr.B.Ravi

For Respondents : Mr.V.Bhiman
for M/s.Sampath Kumar Associates
for respondents 3 and 4

No appearance for respondents 1 and 2

J U D G M E N T

The appellant was engaged by the Punjab & Sind Bank, to drive the official car allotted to the Zonal Manager. Though the Bank recommended to its head office to regularize the services of the appellant, taking into account his continuous service from 1983, follow up action was not taken for absorption. The appellant therefore filed a Writ Petition in W.P.No.16147 of 2005. The learned single Judge negatived the prayer for regularization. However, liberty was granted to approach the competent forum for redressal of grievances. The order is under challenge at the instance of the unsuccessful Writ Petitioner.

2. We have heard the learned counsel for the appellant. We have also heard the learned Standing counsel on behalf of the respondents.

3. There are string of documents available on record, indicating that the appellant worked as the driver to drive the official car of the Zonal Manager, Punjab & Sind Bank from 1983 onwards. Successive Zonal Managers have recommended the case of the appellant for absorption. The letter dated 28 November 2001 sent by the Zonal manager to the Head Office at New Delhi, indicates that the appellant has been in the service of the Bank as a personal driver to the Zonal Manager from 1983 to 28 November 2001. Even thereafter, the appellant continued to work as a personal driver. It is also a matter of record that the salary paid to the appellant was reimbursed to the Zonal Manager by the Bank. The Bank at all point of time maintained that the appellant would be absorbed in service. The letter sent by the Zonal Office to the Head Office also proceeds on the said line. However, concrete action was not taken by the Head Office.

4. The appellant is now aged about 61 years. Therefore, there is no question of regularization of his services at this point of time.

5. After hearing the learned counsel for both the parties, we are of the view that interest of justice would be sub-served by giving liberty to the appellant to make a comprehensive representation to the Punjab & Sind Bank. The Bank should consider the background facts relating to the appointment of the appellant in the year 1993 and his services as the driver of the official car allotted to the Zonal Manager for a continuous period of 18 years. The Bank should ascertain the feasibility of paying a lump sum amount to the appellant, taking into account his past service. In case any representation is submitted by the appellant, the same shall be considered and disposed of by the first respondent within a period of eight weeks from the date of

receipt of representation.

6. The intra court appeal is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. THE CHAIRMAN & MANAGING
DIRECTOR PUNJAB & SIND Bank
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+1cc to Mr.R.Subramaninan, Advocate, S.R.No. 55252

W.A.No.2361 of 2013

CP (CO)
GN(26/08/2019)

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