

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Thursday, the Twenty Eighth day of November Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE M.DHANDAPANI

WMP No.20865 of 2019

IN WP.21640/2019

1 A.MAHESWARI [PETITIONER]
W/O. LATE. RAJA, CURRENTLY WORKING AS CASUAL
WORKER, BANK OF INDIA, KRISHNAGIRI BRANCH,
KRISHNAGIRI

Vs

1 THE UNION OF INDIA, [RESPONDENTS]
REP. BY ITS SECRETARY, FINANCE DEPARTMENT,
NEW DELHI

2 THE CHIEF MANAGER (HR),
BANK OF INDIA, COIMBATORE ZONAL OFFICE, STAR
HOUSE, 324, OPPANAKKARA STREET,
COIMBATORE - 641001

3 THE CHIEF MANAGER,
BANK OF INDIA, KRISHNAGIRI BRANCH,
KRISHNAGIRI

4 MUTHURAMAN. M
5 REKHALEKSHMI
6 ATTHANKARAIYAN. S

7 KOWSHIK. S
8 SAKTHIVEL. R
9 SARAVANAKUMAR. R
10 UTHAYAKUMAR

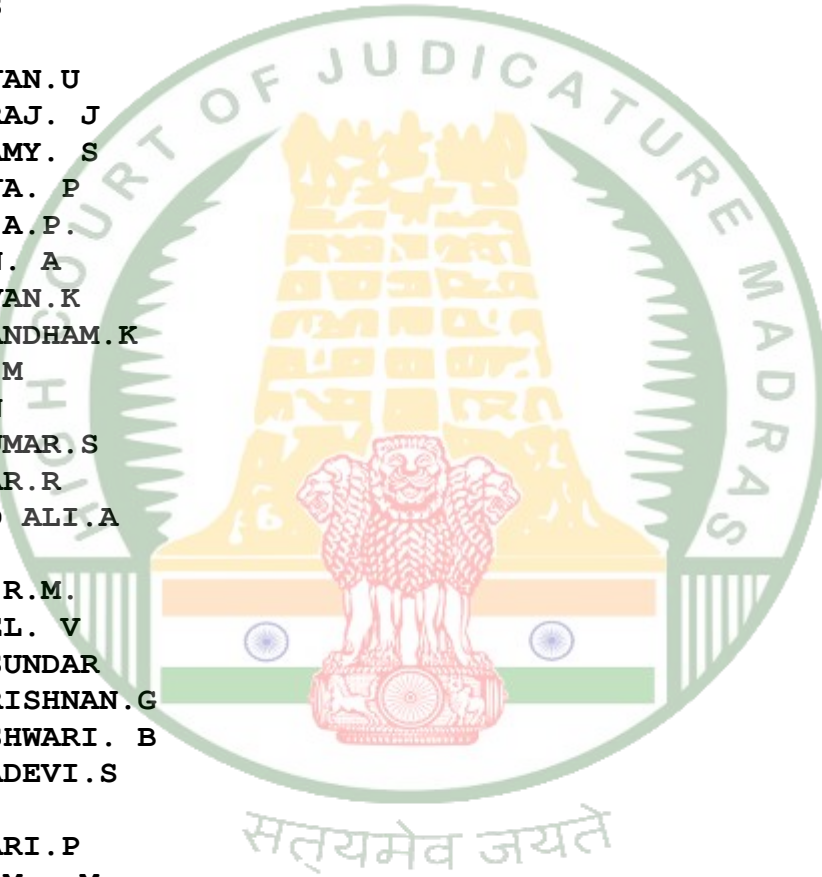
11 RAMESH. G
12 BALASUBRAMANIAM. R
13 JOHN BOSCO. J
14 SANKARAN. T
15 KARTHIKRAJA. A

16 VELMURUGAN. P
17 VELUMANI. S
18 DINESH KUMAR. P

19 RANJITH.S
20 MILTON.A
21 PARAMAGURU. M
22 MUTTHUKUMAR. S.P
23 SHUNMUGAVEL.R
24 NARASIMAN.K
25 GOPI. G
26 RAJESWARI.K
27 SUDHA.M
28 NAGARAJAN. U
29 SHANMUGANADHAN.S
30 ALAGU. S

31 NAMBIRAJAN.U
32 ANANDHARAJ. J
33 KARUPUSAMY. S
34 PANDIRAJA. P
35 BAGYAM. A.P.
36 MARIPPAN. A
37 OCHATHEVAN.K
38 MURUGANANDHAM.K
39 SHANTHI.M
40 VIJAI. N
41 VIJAYAKUMAR.S
42 SASIKUMAR.R
43 MOHAMMED ALI.A
44 DIVYA.M
45 SUJATHA.R.M.
46 KUMARAVEL. V
47 ASHYAM SUNDAR
48 GOBALAKRISHNAN.G
49 UMAMAHESHWARI. B
50 POORNIMADEVI.S

51 KALEESWARI.P
52 KUMARESAM. M
53 ASHOKKUMAR.K
54 SIVA.J
55 LAKSHMI. K
56 USHA. J
57 SARAVANAN.M
58 MANGALAM.S
59 PALANIVEL MURUGAN.R
60 VINOTHKUMAR. M
61 SHILAJA.K
62 MOORTHY.G
63 NARISIMMAN.B
64 RAJA.P
65 DHARUMARAJA.K



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66 BABU.N
67 MATHIYAZHAGAN. V
68 CHINNAMMAL
69 JANAKIRAMAN. V
70 SHANTHI. S
71 DINESHKUMAR.J
72 MANIKANDAN. M
73 MUNISAMY.V
74 DEEPANRAJKUMAR

R4 TO R74 ARE C/O.BANK OF INDIA, COIMBATORE
ZONAL OFFICE, STAR HOUSE, 324, OPPANAKKARA
STREET, COIMBATORE - 641001.(R4 TO R74 IMPEADED AS PER ORDER
DT. 28.11.2019 MADE IN WMP.NO.33906 OF 2019 IN WP.NO.21640/2019 BY
MDIJ)

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue an order of Ad Interim Injunction restraining the respondents from in any manner disengaging the petitioner from her present post as casual worker in the 3rd respondent bank (IN WMP.NO.20865 OF 2019) pending disposal of the present writ petition NO.21640 OF 2019.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.DAKSHYANI REDDY, ADVOCATE FOR M/S.MUKUND R.PANDIYAN, Advocate for the petitioner and of MR. T.RAVICHANDRAN, ADVOCATE on behalf of the 2 & 3 Respondents the court made the following order:-

This Writ Petition is filed for the issuance of the Writ of Mandamus directing the respondents herein to select and appoint the petitioner to the post of Safai Karmachari cum Sepoy in the respondent bank pursuant to the recommendation of the second respondent dated 06.09.2018 on the date of which the petitioner's juniors in the select list have been appointed with all service and monetary benefits.

2. According to the petitioner, she was employed as casual worker in the third respondent bank on 01.07.2011 and she had put in more than eight years of service as such. While so, the settlement was entered into between the Management of the respondent Bank and Labour Union, wherein, the decision was taken to regularise the service of the casual workers and others who are working in the respondent bank, provided them to satisfy the eligibility criteria. According to the petitioner, she satisfied the eligibility criteria as prescribed by the respondent Bank and accordingly, she was called for interview for the post of Safai Karmachari Cum Sepoy.

3. On 06.09.2018, the third respondent also recommended the petitioner for appointment after noticing that the petitioner has satisfied required eligibility criteria. On 09.05.2019, the petitioner was called for interview and she also attended the same. While the petitioner was in anticipation of posting, to her shock and surprise, she came to know that she was not selected.

4. However, the respondents filed counter.

5. On perusal of counter, particularly in paragraph 5, the competent authority of Bank of India constituted two interview committee panels for Sub Staff recruitment and the same was scheduled to be held on 21st, 22nd and 23rd May 2019 at Zonal Office. The respondents 2 and 3 followed the due process of law by intimating and displaying the vacancy position in the Notice Board inviting applications. After obtaining the roster from Chennai Zonal Office, the total vacancies were classified category-wise i.e. Schedule Caste 13, Scheduled Tribe 1, OBC 19 and unreserved 38. In order to ascertain the said selection process, this Court also perused the selected list furnished by the respondent, in which they found the roster details as follows:

General	-	38
OBC	-	19
SC	-	13
ST	-	1
Total	-	71

6. However contrary to the roster point, SC candidates were selected 34, OBC - 31, General - 3 and ST - 1, BC - 2. So the said selection is contrary to the roster point forwarded by the Chennai Zonal Office.

7. In view of the above, this Court decided the case as against the respondents. However, later it was found that the decision was taken in the absence of successful candidates. Without issuing notice to the selected candidates, the matter was again posted on 28.11.2019. On that day, the petitioner filed impleading petition in W.M.P.No.33905 of 2019 to implead the respondents 4 to 74 who are successful candidates as party. In order to give opportunity to the candidates who were selected contrary to the roster point, this Court is inclined to issue notice to the successful candidates. The respondents also take notice to inform the impleadment to the successful candidates.

-sd/-

28/11/2019

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Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SECRETARY,
UNION OF INDIA,
FINANCE DEPARTMENT, NEW DELHI

2 THE CHIEF MANAGER (HR),
BANK OF INDIA, COIMBATORE ZONAL OFFICE, STAR
HOUSE, 324, OPPANAKKARA STREET, COIMBATORE - 641001

3 THE CHIEF MANAGER,
BANK OF INDIA, KRISHNAGIRI BRANCH,
KRISHNAGIRI

C.C. to M/S.MUKUND R.PANDIYAN Advocate on payment of
necessary charges

The Government Advocate, High Court, Madras - 104.

Order

in
WMP.20865/2019

in
WP.21640/2019

Date :28/11/2019

From 26.2.2001 the Registry is issuing certified
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VC (04/12/2019) IT

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