



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:09.07.2019

CORAM

THE HON'BLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P.(MD) No.2857 of 2015

and

M.P.(MD) Nos.1 and 2 of 2015

R.Rakkiah

... Petitioner

-vs-

1.The Deputy General Manager,
Bank of Baroda,
Regional Office (Tamil Nadu)
82, Bank Road, 3rd Floor,
Coimbatore 641 018.

2.The Branch Manager,
Bank of Baroda, Kovilpatti Branch,
Kovilpatti-628 501.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to regularize the services of the petitioner as Sweeper cum peon from the date of initial appointment dated and consequently direct the respondents herein to pass appropriate orders on service requirements with concomitant monetary and other benefits in the post of Sweeper cum Peon.

For Petitioner : Mr.P.Sujai Krishna
for M/s.Veera Associates
For Respondents : Mr.Anand Gopalan
for M/s.T.S.Gopalan and Co
(for R-1)
Mr.Pala Ramasamy (for R-2)

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents herein to regularize the services of the petitioner as Sweeper cum peon from the date of initial appointment dated and consequently direct the respondents to pass appropriate orders on service requirements with concomitant monetary and other benefits.

2.The learned counsel appearing for the writ petitioner states
<https://hservices.ecourts.gov.in/hservices/serve> the petitioner was engaged as daily wage temporary employee and was continuing as such for a considerable length of



time. The writ petitioner made a representation to regularize his service in the sanctioned post. The regularization was requested by the writ petitioner, based on the circular issued by the respondent Bank.

3. The learned counsel appearing for the respondents states that the circular dated 09.03.2012 is of know avail to the writ petitioner. In view of the fact that there is no such direction to regularize the services of temporary daily wage employees in the bank. Contrarily the circular discourages the grant of regularization to such temporary daily wage employees.

4. However, the learned counsel for the respondents brought to the notice of this Court that the recruitment notification was issued to fill up the sanctioned post of Sweeper cum Peon on 10.01.2015 and pursuant to the recruitment notification, the process of selection was conducted and the appointments were also made based on the selection. Therefore, the writ petitioner cannot seek regularization on the ground that he was allowed to continue as temporarily daily wage employee.

5. The regular post has already been filled up and the person, who was appointed on temporary post, cannot claim regular post in view of the fact that the initial appointment of the writ petitioner was not in accordance with the recruitment rules in force. The writ petitioner has not established any acceptable grounds for the purpose of considering the relief as such sought for in the present writ petition.

6. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)

+1 CC to M/s.VEERA ASSOCIATES, Advocate SR-74608.

+1 CC to Mr.PALA.RAMASAMY, Advocate SR-74606.

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