



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2020

CORAM

THE HON'BLE MR.JUSTICE D. KRISHNAKUMAR

W.P.No. 31225 of 2013

and

M.P.No. 1 of 2013

R.Siva

..Petitioner

Vs

1. The Deputy General Manager,
(CMR Region)
Bank of Baroda,
Regional Office, CMR,
Chennai - 600 018.

2. The Assistant General Manager,
Bank of Baroda,
45, Moore Street, 4th Floor,
Chennai - 600 001.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent's order dated 15.10.2013 in RO.CMR-HRM :49/3437 and quash the same and consequently direct the 1st respondent to regularise the petitioner in cleaning service with all wages and other attendant benefits from the year 1995.

For Petitioner : Mr. A.Ilayaperumal

For Respondents : M/s. T.S.Gopalan & Co

O R D E R

The prayer sought for in the Writ Petition is to call for the records of the 1st respondent's order dated 15.10.2013 in RO.CMR-HRM :49/3437 and quash the same and consequently direct the 1st respondent to regularise the petitioner in cleaning service with all wages and other attendant benefits from the year 1995.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents and perused the documents available on record.



3. According to the learned counsel for the petitioner, the petitioner was working as a Cleaner in the second respondent office from 1991 onwards. He has put in more than 24 years of service and his services are not regularised. He made a representation dated 12.06.2013 to the respondents, seeking regularisation. Since the same was not considered, he filed the present writ petition n W.P.NO. 20552 of 2013 before this Court and by order dated 26.07.2013, this Court directed the 1st respondent to consider the representation of the petitioner and pass orders. The 1st respondent passed an order dated 15.10.2013 by stating that his request for regularisation in Bank's service has not been considered favourably in terms of Bank's guidelines.

4. The contention of the learned counsel for the petitioner is that the aforesaid order was not passed on merits and simply rejected. Under which guidelines, his request has not been considered also not disclosed by the 1st respondent, which show the malafide intention and the respondent's attitude towards last grade workmen like the petitioner, hence, the impugned order is liable to be quashed.

5. The learned Standing Counsel appearing for the respondents submitted that the petitioner is not entitled for the claim made by him, therefore, the same was rejected by the 1st respondent.

6. On a perusal of the impugned order dated 15.10.2013 passed by the 1st respondent, it is clearly seen that the 1st respondent has not considered the request made by the petitioner properly and not adduced any reason while rejecting the claim. The impugned order is extracted below;

"Your request for regularisation in Bank's service has not been considered favourably in terms of Bank's guidelines.

Further, it is noted that the wages paid to you is in order vis-a-vis Bank's guidelines.

Your representation dated 12.06.2013 is disposed of as above"

7. In view of the submissions made by both the learned counsels for the parties concerned and considering the facts and circumstances of the case, this Court is of the view that it would be appropriate to direct the 1st respondent to consider the claim made by the petitioner afresh within a time frame.



8. Accordingly, the impugned order dated 15.10.2013 passed by the 1st respondent is quashed. The first respondent is directed to consider the claim made by the petitioner afresh and pass reasoned order, on merits and in accordance with law, as expeditiously as possible, in any event, within a period of twelve weeks from the date of receipt of a copy of this Order.

9. With the above directions, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

ak
To

1. The Deputy General Manager,
(CMR Region)
Bank of Baroda,
Regional Office, CMR,
Chennai - 600 018.

2. The Assistant General Manager,
Bank of Baroda,
45, Moore Street, 4th Floor,
Chennai - 600 001.

+1 cc to M/s.A.Ilayaperumal Advocate sr13196
+1 cc to M/s.T.S.Gopalan & Co Advocate sr13030

W.P.No. 31225 of 2013
and M.P. No. 1 of 2013

rr(co)
aa17/04/2020