

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13823 of 2021

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Basanti Devi W/o Sri Munna Thakur Resident of Village- Bedauli, Post
Office- Baniapur, Police Station- Baniyapur, District- Saran.

... .. Petitioner/s

Versus

1. The Punjab National Bank, being represented through General Manager Human Resource Management Department, Head Office, New Delhi.
2. The Circle Manager Human Resource Department, Zonal Office, Patna.
3. The Circle Head Human Resource Division, Circle Office, Muzaffarpur.
4. The Deputy Circle Head Punjab National Bank, Human Resource Department, Circle Office, Aghoria Bazar, Muzaffarpur.
5. The Branch Manager Punjab National Bank, Rajendra College, Saran, Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajit Kumar
For the Respondent/s : Mr.Kumar Priya Ranjan

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 01-12-2021

Heard the learned counsels for the parties.

2. In the instant petition, petitioner has prayed for
following reliefs:

“(i) For issuance of appropriate Writ/Writs, direction/directions in the nature of *Certiorarified mandamus* calling for the connected records and after perusal of the same be pleased to hold and declare the Oral Termination Order as bad in law, which having been Communicated to the petitioner in person on 01/04/2020, on the ground of the said action being violative of Principles of Natural Justice ad in the teeth of the settled Legal Position by Constitution Bench Judgment and besides being opposed to the Public Policies/Circulars issued by the Banks,



and in consequent thereto, be further pleased to direct the respondents to allow the petitioner to work by reinstating her on the post of Permanent Part Time/Full Time Sweeper, taking into account unblemished service of ten years and various recommendations of the Branch Managers, in terms of the Circular issued by the Human Resource Management Division, Head Office-New Delhi being HRMD:IR:2805 dated 24.01.2017 issued to all Zonal Offices and Circle Officers issuing guidelines for adhering to the provisions of Bipartite Settlement in the course of making recruitment in Subordinate Cadre giving preference to the Temporary Employee over the Candidates applying from open market on the ground of "Other things being Equal" in terms of para-20.6 of Chapter-XX of Bipartite Settlement, with all consequential benefits.

(ii) For further kind indulgence of this Hon'ble court to look into the matter and the concerned respondents may be directed to produce all connected records for perusal and passing an appropriate Order.

(iii) For any other relief/reliefs which the Hon'ble court may grant in general interest that may be deemed appropriate and necessary in this case."

3. The petitioner is stated to have been appointed by the respondent-Bank in the year 2010 on part time basis. She has worked for more than a decade and her services has been terminated on 01.04.2020.

4. The petitioner has remedy of appeal before the Central Government Industrial Tribunal-cum-Labour Courts (For short "CGIT"). Since CGIT was not functioning, the



petitioner has presented the instant petition.

5. Learned counsel for the petitioner submitted that having regard to the length of service rendered by the petitioner, she is entitled to continue in the post.

6. The matter is transmitted to the CGIT as it is not appropriate for this Court to make any observation. Therefore, the CGIT may take note of length of service rendered by the petitioner and expedite the matter .

7. With the above observations, the instant petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	07.12.2021
Transmission Date	

