

11.08.2021
Sl. No.21
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Via Video Conference)

WPA 11642 of 2021

Salam Seikh
Vs.
Punjab National Bank & Ors.

Ms. Sabina Hossain,
Mr. Mohaimenul Mondal

....for the petitioner.

Ms. Mousumi Pal

...for the respondents.

Affidavit of service filed in Court today is taken on record.

The petitioner is an empanelled Badli Sweeper in United Bank of India (in short 'UBI') at Swaruppur Branch which has now merged with Punjab National Bank (in short 'PNB'). The petitioner says that by a letter dated 27th September, 2014, the petitioner was empanelled as a Badli Sweeper. The petitioner has since then been working at Swaruppur Branch of UBI, now known as PNB. The petitioner says that by an office Memo dated 6th April, 2021, the Deputy General Manager of PNB has informed all Zonal Managers that there is no provision for engagement of Badli Sweepers in PNB for which a guideline on ban of temporary appointments in PNB has been circulated on 17th July, 2020. Details of such Badli Sweeper engaged in UBI and now PNB has also been

called for. The petitioner apprehends that the petitioner's empanelment as Badli Sweeper may be cancelled.

The respondent bank raises a question of maintainability as to the writ petition on the ground that the petitioner's empanelment as a Badli Sweeper is purely contractual in nature and no writ petition lies for enforcement of such contract. It is submitted by the bank that pursuant to the office Memo dated 6th April, 2021, the name and details of the petitioner has been submitted by the branch concerned. No decision has yet been taken towards removing the petitioner from being an empanelled Badli Sweeper at Swaruppur Branch under Murshidabad Circle of PNB. On behalf of the respondent bank, it is also submitted that the apprehension of the petitioner that he will be removed from service is unfounded and the writ petition, even if is maintainable, is a premature one.

Responding to the objection of the respondent bank, the petitioner relies upon an order dated 9th September, 2020 passed by a learned Single Judge at Jaipur Bench of Rajasthan High Court and contends that a writ petition in respect of persons working on temporary basis in erstwhile UBI is maintainable after merger with PNB.

In view of the order, I propose to pass the maintainability aspect of the writ petition is not gone into in details at this stage.

The PNB, being the respondent bank shall take a decision with regard to the petitioner in the light of the office Memo dated 6th April, 2021 (at page 24 of the writ petition) and the details provided by Swaruppur Branch of UBI in respect of the petitioner within a period of twelve weeks from date after affording the petitioner an opportunity of hearing, if necessary and communicate the same to the petitioner within seven days from the date of the decision being taken.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Arindam Mukherjee, J.)