

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5427 of 2021**

1. Deepak Kumar Dewangan S/o Ishwar Dewangan, Aged About 34 Years R/o Village And Post Pandariya, District Kabirdham (Chhattisgarh) Presently Posted C.G. Rajya Gramin Bank Branch Pandariya., District : Kawardha (Kabirdham), Chhattisgarh
2. Hemant Kumar Mandavi S/o Baldev Singh Mandavi, Aged About 35 Years R/o Dogariya Navapara, Post Ranveerpur, Tahsil Lohara, District Kabirdham (Chhattisgarh) Presently Posted C.G. Rajya Gramin Bank Branch Ranveerpur., District : Kawardha (Kabirdham), Chhattisgarh

---- Petitioner

Versus

1. Chhattisgarh Rajya Gramin Bank Through Its President, Head Office Raipur Sunder Nagar, Mahadeo Ghat, Road Raipur Chhattisgarh
2. The General Manager, Head Office, Raipur Sunder Nagar, Mahadeo Ghat, Road Raipur Chhattisgarh
3. The Regional Manager, Chhattisgarh Rajya Gramin Bank Regional Office Near Mundra Kunj, G.E. Road, Rajnandgaon Chhattisgarh
4. The Branch Manager, Chhattisgarh Rajya Gramin Bank, Through Regional Office Rajnandgaon Chhattisgarh,

---- Respondents

For Petitioner : Mr. Anil Tawadkar, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****06.10.2021**

1. The present writ petition has been filed seeking for the following reliefs.

“10.1 That this Hon'ble Court may kindly be pleased to call for entire records pertaining to the petitioner's case for kind perusal of this Hon'ble Court.

10.2 That this Hon'ble Court may kindly be pleased to direct the respondent Bank may consider for service of the petitioners may be regularized.

10.3 That this Hon'ble Court may kindly be pleased to services of the petitioners may be regularized and may be given parity with respect to the service condition, pay and benefits as per with the

other daily wages employee who have regularized by the respondents authorities.

10.4 Any other relief, which may be deemed, fit by this Hon'ble Court just and proper in the facts and circumstances of the case may also be provided in favour of the petitioners."

2. The present writ petition has been filed on behalf of two petitioners. Both of whom claimed themselves to have been engaged by the respondents on daily wage basis at different point of time and it is said that the petitioners have put in more than five years of service.
3. The case of the petitioners is that since they have put in considerable period of time with the respondents as daily wage employees and the policy of the respondents also have a clause for regularization, the respondent-authorities should consider the claim of the petitioners for regularization in-terms-of the policy governing the field. The petitioners also are apprehending the discontinuance of their employment pursuant to the policy decision of the respondents-Bank dated 16.03.2021 whereby the housekeeping and the maintenance service in the branches of the respondents-Bank have been decided to be outsourced.
4. Undoubtedly, the law is well settled that a daily wage employee does not have an indefeasible right for being regularized. It is also not in dispute and is an admitted factual position that a daily wage employee can get discontinued from service at any moment of time. The services of a daily wage employee is exclusively at the requirement of employer. Only by virtue of having worked for a considerable period of time by itself would not be a ground, which should be considered as a matter of right for being regularized. All depends upon the policy decision, the need and the requirement of the respondents-Bank.
5. The High Court in exercise of its writ jurisdiction cannot direct the respondents-Bank to regularize the services of the petitioners. The only

direction that this Court can grant, is to consider the claim of the petitioners in accordance with any of Policy for regularization governing the field.

6. The other fact which is also reflected from the pleadings is that, the policy decision of the respondents-Bank in going for outsourcing of housekeeping and maintenance work, is not under challenge in the present writ petition. Neither is it under challenge in any of the other writ petitions. In the absence of which in all probability, the respondents must have implemented the said policy. If those policies have already come into force, the need of the services of the petitioners also becomes vulnerable and much would depend upon the respondents to take a decision in-respect-of the claim of the petitioners.
7. Given the aforesaid facts and circumstances of the case, this Court is of the opinion that no relief as such can be granted to the petitioners at this juncture. However the petitioners would be at liberty to approach the respondents No. 2 to 4 ventilating their grievances in-respect-of their apprehension with regard to discontinuance of their services. If the petitioners approach the respondents No. 2 to 4 in this regard, they are expected to take an appropriate decision taking into consideration the policy decision of the management and also the requirement of work and further sympathetically consider the previous service that the petitioners have rendered with the respondents.
8. The present writ petition stands disposed of with the aforesaid directions.

Sd/-
(P. Sam Koshy)
Judge