



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

W.P.No.14343 of 2021
and
W.M.P.No.15231 of 2021

[Video Conferencing]

Mrs.K.Amala

... Petitioner

Vs.

1. The General Manager,
Union Bank Of India,
Central Office,
Union Bank Bhavan,
Vidhan Bhavan Marg,
Mumbai - 400 021.
2. The General Manager,
Union Bank of India,
Zonal Office,
No.139, Broadway,
Chennai - 600 104.
3. The Branch Manager,
Union Bank of India,
Sholinghur Branch,
Walajah Taluk,
Vellore District, Pin - 631 102.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the 1 to 3 respondents to reinstate the petitioner as permanent employee of erstwhile Andhra Bank presently Union Bank giving continuity of service with full back wages for the period of termination and pass such further or other orders as this Court deem fit and proper in the circumstances of the case.



For Petitioner : Mr.N.Rajendiran
For Mr.N.Nanmaran

ORDER

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1. By consent of the learned counsel on either side, the writ petition is taken up for final disposal. Mr.V.Kalyanaraman, learned counsel takes notice on behalf of the respondents.
2. The petitioner has filed the present writ petition seeking for issuance of a writ of mandamus, directing the 1 to 3 respondents to reinstate the petitioner as a permanent employee of erstwhile Andhra Bank presently Union Bank giving continuity of service with full back wages for the period of termination.
3. This Court heard the submissions of the learned counsel for the petitioner and perused the materials available on record.
4. The learned counsel for the petitioner submitted that the petitioner was working as a part time sweeper on temporary basis for the past 5 years and that on 01.07.2020, the respondents without issuing any notice, terminated the petitioner from her service. He would further submit that the petitioner has not given any letter dated 29.06.2020. Therefore, he seeks to direct the respondents to reinstate the petitioner as a permanent employee of erstwhile Andhra Bank presently Union Bank giving continuity of service with full back wages and pass appropriate orders within a stipulated time.
5. The learned counsel for the respondents submitted that the petitioner is a casual employee and if at all the petitioner is affected, she has to prefer an application before the Assistant Commissioner of Labour or Tribunal and this writ petition, without exhausting that remedy, but seeking remedy before this Court is not maintainable and therefore, this Writ Petition is to be dismissed.
6. Considering the facts and circumstances of the case, and the submissions made by the learned counsel on both sides, and also the fact that since the petitioner is a casual labour, she cannot claim reinstatement as a matter of



right, this Court feels that this Writ Petition is not maintainable. Accordingly, this Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is also closed.

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Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

ssi

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GSM(CO)
SU(12/01/2022)