

MAT 28 of 2022
With
IA. No. CAN 1 of 2022

Anju Burman & Anr.
Vs
Canara Bank and Ors.

(Via Video Conference)

Mr. Kamallesh Jha
Ms. Srabani Biswas
.....for the Appellants
Ms. Aparajita Ghosh

....for the Respondent No. 1

Party/Parties is/are represented in the order of their name/names as printed above in the cause-title.

The appellants are aggrieved by the order of the Hon'ble Single Bench dated the 5th of January, 2022 in the writ petition. By the said impugned order the Hon'ble Single Bench held that there is no scope for passing any interim order in the writ petition filed by the present appellants.

Accordingly, direction for Affidavits was given and the matter was directed to be finally heard.

The appellants represented by Mr. Jha, learned Counsel, submit that the Hon'ble Single Bench fell

into error by refusing interim protection of service of the appellants under the respondent-Bank. It is submitted that the appellants were part of an approved panel of Temporary Attenders and their service having been continued for sometime in the past, could not be dispensed with at the whim of the employer/the Bank.

On behalf of the respondents/ Canara Bank, Ms. Ghosh, learned Counsel, submits that the appointment of the appellants was on a purely temporary basis against leave vacancies. It is submitted that with the merger of the erstwhile Syndicate Bank with Canara Bank, there stands no service rule of the merged entity, i.e. Canara Bank for granting regular service to Temporary Attenders from any panel. It is however submitted that the appellants are being continued in employment on a daily wage basis. It is further submitted that the Bank intends to file an Affidavit as directed by the Hon'ble Single Bench and the matter be thereafter heard in detail.

Having heard the parties and considering the materials placed, this Court is of the view that the appellants are at this stage entitled to an interim protection of non-dispensation of their present employment under a daily wage system of the

respondents/the Bank. This Court accordingly grants such interim protection restraining the Bank from dispensing with the present service of the appellants under a daily wage system until the matter is finally heard out by the Hon'ble Single Bench.

MAT 28 of 2022 and **CAN 1 of 2022** stand accordingly **disposed of**.

Since affidavits are not invited, other allegations made are deemed to be denied.

The Hon'ble Single Bench is requested to hear out the matter expeditiously, subject to its convenience.

All parties to act on a server copy of this order downloaded from the official website of this Court.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Krishna Rao, J.)

(Subrata Talukdar, J)