

29.08.2022
Item No 17
Crt. No.11.
KB

MAT 1600 of 2019
with
IA No. CAN 1 of 2019
(Old No. CAN 11422 of 2019)

Sri Arup Jasu
Versus
The Regional Manager,
Central Bank of India & Anr.

Mr. Ajay Ray
Mr. Nawal Kishore Chatterjee
Ms. Barnali Pal

.... For the Appellant.

Mr. S. Pal Choudhuri
Ms. Diya Nandi

...For the Respondents

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

The appellant is aggrieved by the Order dated 25th January, 2017 in the Writ Petition being W.P. No. 5861 (W) of 2001. By the said Order dated 25th January, 2017, the Hon'ble Single Bench refused to allow the application for restoration of the writ petition which was dismissed for default on the 14th of January, 2003.

In this appeal, the appellant is represented by Mr. Ajay Ray, Learned Counsel and Mr. Nawal Kishore Chatterjee, Learned Advocate, who submit that owing to the death of the then Learned Advocate-on-Record for the writ petitioner/the present appellant, appropriate steps could not be taken in the appeal. Accordingly, the prayer is made for setting aside of the Order dated 25th

January, 2017 and restoring the writ petition to its original file and number.

By the Order of this Court dated 1st August, 2022 in this appeal, this Court was, *inter alia*, pleased to observe that the writ petition belongs to the year 2001.

This Court also observed from the records that the writ petition was never considered on merits. Accordingly, to grant the appellant/the writ petitioner at least one chance to place his case on merits before the Court, this Court directed that the records of the Writ Petition be tagged with the present appeal.

In terms of the direction dated 1st of August, 2022(*supra*), records of the writ petition has been also placed along with this appeal for consideration.

For the ends of avoiding further delay in considering this *lis*, which has been presented before this Court in the year 2001 without the writ petitioner getting an opportunity to place his case on merits, the parties are heard on the merits of the writ petition.

Briefly stated the case of the appellant/the writ petitioner is that he was appointed in 1997 under the Respondent/the Bank in a casual capacity and worked for more than 240 days each year till the year 2000 before his service was dispensed with by the bank.

The appellant/the writ petitioner relies on a Circular of the Bank dated 31st August, 2000 to take the

position that in terms of the said Circular, the Bank had called for details of the continuous employment of all temporary employees for taking a decision in the matter.

It is submitted that acting in terms of the Circular dated 31st August, 2000, which is Annexure-P2 to the writ petition, similarly circumstanced temporary employees who were in service of the Bank were regularised. However, the writ petitioner/the appellant was left out.

The writ petitioner/the present appellant submits that his case ought to have been considered by the Bank at par with similarly circumstanced employees.

Mr. Pal Choudhuri, Learned Counsel appearing for the Respondents/the Bank, submits that no relief can be extended to the writ petitioner at this distance of time. It is submitted that the law on regularisation of temporary employees has undergone drastic changes in the intervening period. The law as it exists today does not support the prayer for automatic regularisation of the writ petitioner.

Having heard the parties and considering the materials placed, this Court is of the view that the appellant/the writ petitioner at the least deserves an opportunity to place before the Bank particulars of similarly circumstanced employees who worked with him

and considered for regularisation under the Circular dated 31st August, 200 (*supra*).

Therefore, without opining on the merits of this case at all, this Court directs the Regional Manager, Central Bank of India/Respondent No.1 to the writ petition to grant an opportunity of hearing to the appellant/the writ petitioner and pass an Order upon consultation of the available records as well as the policy of the bank.

Let the reasoned order be communicated to the writ petitioner/the present appellant.

The writ petitioner/the present appellant shall be entitled to be represented by an authorised representative.

Let the entire exercise be completed within a period of ten weeks from the date of communication of this order.

MAT 1600 of 2019 with **CAN 1 of 2019 (Old No. CAN 11422 of 2019)** stand accordingly **disposed of**.

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

Urgent photostat certified copy of this order, if applied for, be handed over to the parties on compliance of necessary formalities.

(Lapita Banerji, J.)

(Subrata Talukdar, J.)