



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.5920 of 2019

and

W.M.P.Nos.6751 & 6753 of 2019

M/s.Canara Bank Jewel Appraisers Association
rep. By its Hon'ble Chairman,
No.109, LKC Nagar, S.R.G.Road,
Vellakovil - 638 111, Tiruppur District.
Rep. By its General Secretary,
Mr.R.Rathinasamy

..Petitioner

Vs.

1. Canara Bank,
Agriculture Policy & Information Section
Priority Credit & Financial Inclusion Wing,
Bangalore - 560 002.
2. Canara Bank,
Circle Office,
No.524, Anna Salai,
Teynampet, Chennai - 600 018.
3. The Branch manager,
Canara Bank, TSR Big Street,
Kumbakonam, Tanjore District.
4. The Branch Manager,
Canara Bank, 360 A - Main Road,
Aaduthurai, Tanjore District.
5. The Branch Manager,
Canara Bank, 22 - Karur Main Road,
Kolathupalayam - Tiruppur District.
6. The Branch Manager,
Canara Bank, MK Complex,
Kallimandayam - Dindigul District.
7. The Branch Manager,
Canara Bank, Peralam Branch,
Thiruvarur District.



8. The Branch Manager,
Canara Bank, Athirampattinam Branch,
Tanjore District - 614 701.

WEB COPY

9. The Branch Manager,
Canara Bank, Perambalur Branch,
Perambalur District - 621 212.

10. The Branch Manager,
Canara Bank, Thandalai Branch,
Ariyalur District - 621 803.

11. The Branch Manager,
Canara Bank, Jayankondam Branch,
Ariyalur District - 612 101.

12. The Branch Manager,
Canara Bank, Thiruneelakudi Branch,
Tanjore District - 612 101.

13. The Branch Manager,
Canara Bank, Thiruvarur Branch,
Thiruvarur District.

14. The Branch Manager,
Canara Bank, Ariyalur Branch,
Ariyalur District.

15. The Branch Manager,
Canara Bank, Thirumazhapady Branch,
Ariyalur District.

16. The Branch manager,
Canara Bank, Peravoorani Branch,
Tanjore District - 614 804.

17. The Branch Manager,
Canara Bank, Mannarkudy Branch,
Thiruvarur District - 614 717.

18. The Branch Manager,
Canara Bank, Eravankudy Branch,
Ariyalur District.

19. The Branch Manager,
Canara bank, Kollapuram Branch,
Thiruvarur District.



20.The Branch Manager,
Canara Bank, Vellore Branch,
Vellore District - 632 001.

21.The Branch Manager,
Canara Bank, Thiyagarajapuram Branch,
Vellore District - 632 009.

22.The Branch Manager,
Canara Bank, Thuraiyur Branch,
Thuraiyur District - 621 010.

23.The Branch Manager,
Canara Bank, Virunchipuram Branch,
Vellore District.

24.The Branch Manager,
Canara Bank, Vaikuntham Branch,
Salem District - 637103.

25.The Branch Manager,
Canara Bank, Sanarpatti Branch,
Dindigul District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Declaration, declaring that the impugned Circular No.244/2018 dated 21.04.2018 or of the 1st respondent is unenforceable in law or any other guidelines relating to the services of Jewel Appraiser engaged on contractual basis without amending the individual contract of employment and same is opposed to public policy.

For Petitioner	: Mr.M.Sriram
For Respondents	: Mr.T.Ravichandran

O R D E R

The prayer in the Writ Petition is as follows:-

"to declare that the impugned Circular No.244/2018 dated 21.04.2018 or of the 1st respondent is unenforceable in law or any other guidelines relating to the services of Jewel Appraiser engaged on contractual basis without amending the individual contract of employment and same is opposed to public policy."

2. The grievance of the petitioner / Association is that the impugned circular is beyond the powers of the respondent /



Bank, since the relationship between the members of the petitioner Association and the respondent / Bank is governed by individual contracts.

3.It is the contention of Mr.M.Sriram, learned counsel for the petitioner that the Bank cannot unilaterally alter the terms of the contract between the parties.

4.The learned counsel for the respondent would submit that the issue is no longer res-integra and the same is covered by a decision of the Hon'ble Division of the Kerela High Court wherein, the very Association was the petitioner. The Writ Petition was dismissed by the learned Single Judge and the said decision was confirmed by the Division Bench in Canara Bank Jewel Appraisers and Another Vs. Canara Bank and Another reported in 2019 SCC Online Ker 935.

5.Though from the judgment in the appeal, it could be seen that appeal was dismissed at the admission stage itself, the judgment of the single Judge of the Kerela High Court reported in MANU/KE/3514/2018 has gone into the issue in detail and it has been held that the circular issued is within the powers of the Bank and therefore, the challenge has to be rejected. I do not see any reason to hold a different view. Once the powers of the Bank to issue a circular stipulating certain conditions is recognized, the said power certainly will prevail over the contract between the parties.

6.Hence, this Writ Petition fails and it is accordingly, dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

kkn

To:-

1. Canara Bank,
Agriculture Policy & Information Section
Priority Credit & Financial Inclusion Wing,
Bangalore - 560 002.
2. Canara Bank,
Circle Office,
No.524, Anna Salai,
Teynampet, Chennai - 600 018.



WEB COPY

3. The Branch manager,
Canara Bank, TSR Big Street,
Kumbakonam, Tanjore District.
4. The Branch Manager,
Canara Bank, 360 A - Main Road,
Aaduthurai, Tanjore District.
5. The Branch Manager,
Canara Bank, 22 - Karur Main Road,
Kolathupalayam - Tiruppur District.
6. The Branch Manager,
Canara Bank, MK Complex,
Kallimandayam - Dindigul District.
7. The Branch Manager,
Canara Bank, Peralam Branch,
Thiruvavarur District.
8. The Branch Manager,
Canara Bank, Athirampattinam Branch,
Tanjore District - 614 701.
9. The Branch Manager,
Canara Bank, Perambalur Branch,
Perambalur District - 621 212.
10. The Branch Manager,
Canara Bank, Thandalai Branch,
Ariyalur District - 621 803.
11. The Branch Manager,
Canara Bank, Jayankondam Branch,
Ariyalur District - 612 101.
12. The Branch Manager,
Canara Bank, Thiruneelakudi Branch,
Tanjore District - 612 101.
13. The Branch Manager,
Canara Bank, Thiruvavarur Branch,
Thiruvavarur District.
14. The Branch Manager,
Canara Bank, Ariyalur Branch,
Ariyalur District.



15.The Branch Manager,
Canara Bank, Thirumazhapady Branch,
Ariyalur District.

16.The Branch manager,
Canara Bank, Peravoorani Branch,
Tanjore District - 614 804.

17.The Branch Manager,
Canara Bank, Mannarkudy Branch,
Thiruvarur District - 614 717.

18.The Branch Manager,
Canara Bank, Eravankudy Branch,
Ariyalur District.

19.The Branch Manager,
Canara bank, Kollapuram Branch,
Thiruvarur District.

20.The Branch Manager,
Canara Bank, Vellore Branch,
Vellore District - 632 001.

21.The Branch Manager,
Canara Bank, Thiyagarajapuram Branch,
Vellore District - 632 009.

22.The Branch Manager,
Canara Bank, Thuraiyur Branch,
Thuraiyur District - 621 010.

23.The Branch Manager,
Canara Bank, Virunchipuram Branch,
Vellore District.

24.The Branch Manager,
Canara Bank, Vaikuntham Branch,
Salem District - 637103.

25.The Branch Manager,
Canara Bank, Sanarpatti Branch,
Dindigul District.

+1cc to Mr.T.Ravichandran, Advocate, S.R.No.39289

W.P.No.5920 of 2019

and W.M.P.Nos.6751 & 6753 of 2019

SSN(CO)

UMA(08/07/2022)