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W.P.No.11075 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.11075 of 2022

and

W.M.P.Nos.10669, 10673 and 10670 of 2022

- 1.R.Balakrishnan
- 2.S.Rajakaleeswaran
- 3.M.Ganesan
- 4.P.Kamatshi
- 5.D.Selvaraj
- 6.Tamil Selvi
- 7.S.Anbarasu
- 8.S.Dinesh
- 9.Krishnamoorthy V
- 10.R.Murugan
- 11.Arun Kumar
- 12.M.Selvi
- 13.S.Balamurugan
- 14.P.Jayakumar
- 15.M.Karuppaiah
- 16.K.M.Venkatesh
- 17.T.Chittarasan
- 18.S.Thirupathi
- 19.B.Ravichandran
- 20.K.Yuvaraja
- 21.P.Sasikumar
- 22.B.Sakunthala
- 23.A.Shanmugavalli
- 24.S.Mohana Sundari
- 25.M.Selvaraj
- 26.Mesia Joseph Raj



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27.A.Muthuraj
28.T.Vijayamohan
29.D.Ramkumar
30.D.Selvaraj
31.T.Mathesvaran
32.C.Kandasamy
33.M.Satyapriya
34.U.Senthil Nathan
35.P.Muniyappan
36.A.Saravanakumar
37.Parthasarathy
38.A.Nandha Kumar
39.M.Priya
40.A.Selvi
41.Shanthi P
42.R.Ganesh

... Petitioners

Vs.

1.The Secretary,
Ministry of Labour and Employment,
Government of India,
Shram Shakti Bhawan,
Rafi Marg,
New Delhi - 110 001.

2.Canara Bank,
Rep. by its Managing Director and Chief Executive Officer,
112, JC Rd, P.B, Halsurpete,
Nagarathpete,
Bengaluru - 560 001.

3.Canara Bank,
Human Resources Wing,
Industrial Relations Section,
112, JC Rd, P.B., Halsurpete,
Nagarathpete,
Bengaluru - 560 001.



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4. Deputy General Manager,
Canara Bank,
Premises and Estate Section,
Circle Office 524, Anna Salai,
Teynampet,
Chennai - 600 018.

5. The Senior Manager / Manager,
Canara Bank,
HRM Section,
Circle Office,
East Veli Street,
Madurai - 625 001.

6. WWSO Security and Facility Limited,
HIG -203,
HB Colony,
Bagmugaliya,
Bhopal,
Madhya Pradesh - 462 003.

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned inter-office Memorandum dated 14.03.2022 bearing Ref.No.CNCPREM/1729/2021-22 issued by the 4th respondent and quash the same as illegal and unconstitutional, consequently direct the respondent Nos.2 to 5 to regularize the services of the petitioners as against the post of housekeeping cum peon in the 2nd respondent bank.

For Petitioners : Mr.Sivanandaraj
for M/s.Rohini Ravikumar



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For Respondents : Mr.M.Sathyam
for R1

Mr.P.Raghunathan
for M/s.T.S.Gopalan & Co.
for R2 to R5

ORDER

The petitioners, who claim to be casual workers in the respondent / Bank for a long number of years, have challenged the impugned Memorandum dated 14.03.2022 issued by the fourth respondent, under which the respondent / Bank is attempting to make alternate arrangements for cleaning and maintenance / upkeep of administrative offices / units which do not have direct interface with customers.

2. In the impugned Memorandum, the fourth respondent has stated that they have completed the tendering process for selection and appointment of contractors for cleaning / maintenance and upkeep of administrative offices / units. The fourth respondent has further stated that M/s. WWSO Security and Facility Limited has been engaged for a period of one year since they have complied with the norms of the respondent / Bank.



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3. The petitioners apprehend that their services rendered to the Bank for cleaning and maintenance / upkeep of administrative offices / units will be disengaged if the impugned memorandum dated 14.03.2022 is implemented. They claim that since they have rendered service to the respondent / Bank for a long number of years and they are in continuous service, they are entitled to be regularized.

4. Apart from challenging the impugned memorandum dated 14.03.2022, the petitioners have also sought for a consequential relief viz., to regularize their service in the respondent / Bank.

5. A Counter Affidavit has also been filed by the respondents, denying the contentions of the petitioners. According to them, the petitioners have no legal right to seek for regularization and further they categorically contend that they have the right to engage contract labourers as the engagement of the contract labourers by the respondent bank has not been abolished by the Central Government. They have also denied the contentions of the petitioners that they have been in continuous service for a long number of years and they would contend that only when there was a requirement to



engage the services of the petitioners, the respective branches engaged them on adhoc basis.

6. As seen from the Counter Affidavit filed by the respondents, they have not disputed the fact that the respective branches through their branch managers or other authorized officials of the Bank have been engaging the services of the respective petitioners though, the respondent / Bank categorically contends that the petitioners are not their employees, but were only casual workers whose services were used whenever the branch managers require for the same. However, the same is disputed by the petitioners who contend that they have been in continuous service and they have been continuously engaged by the respective branches for a long number of years.

7. The impugned memorandum dated 14.03.2022, on a *prima-facie* consideration by this Court, makes it clear that the respondents are making alternate arrangements for cleaning and maintenance / upkeep of administrative offices / units which do not have direct interface with customers. The petitioners claim that the said work is presently done by



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them and other similarly placed staffs. It also indicates that the fourth respondent has completed the tendering process for selection and appointment of contractors for cleaning / maintenance and upkeep of such offices / administrative units. It further indicates that M/s.WWSO Security and Facility Limited has been engaged for a period of one year since they have complied with the norms of the respondent / Bank.

8. The apprehension of the petitioners in this Writ Petition is that if a third party outsourcing agency is engaged, the services which they have been rendering to the respondent / Bank till date, will be defeated and ultimately lead to removal from service. The respondents have also not been able to give the exact details of the petitioners' services to the respondent / Bank, though they admit that they were engaged by some of the officials of the Bank as and when the need arises. In view of the same, this Court is of the considered view that no prejudice would be caused to the respondents, if the petitioners are allowed to give a joint representation to the respondent / Bank, requesting for their regularization in the respondent / Bank, and the said representation is considered by the respondent / Bank on merits and in accordance with law, within a time frame to be fixed by this Court.



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9. This Court is not expressing any opinion on the merits of the respective contentions. However to protect the interest of the petitioners, till final orders are passed by the respondent / Bank based on the petitioners' joint representation to be given by them, the continuation of the petitioners' services to the respondent / Bank as was done earlier by them should not be disturbed by the respondents.

10. For the foregoing reasons, this Writ Petition is disposed of by directing the petitioners to give a joint representation to the respondent Nos.3,4 and 5, requesting them for regularization of their respective services within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said representation, the respondent Nos.3,4 and 5 shall pass final orders on merits and in accordance with law within a period of four weeks thereafter. Liberty is granted to the petitioners, in case any adverse order is passed against any of them by the respondents, to challenge the same in the manner known to the respective petitioners under law. This order cannot be treated as a precedent for any future claims if any made by any of the daily wage workers of the respondent / Bank.



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11. With the aforementioned directions, this Writ Petition is disposed of. No Costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

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Index : Yes/No
Speaking Order : Yes / No
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To

The Secretary,
Ministry of Labour and Employment,
Government of India,
Shram Shakti Bhawan,
Rafi Marg,
New Delhi - 110 001.



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ABDUL QUDDHOSE. J.,

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