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W.P.No.24680 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24680 of 2019
and
W.M.P.No.24344 of 2019

G.Usha

... Petitioner

Vs.

1. The Chairman,
United Commercial Bank,
Head Office No.10,
BTM Sarani,
Kokatta – 700 001.
2. The Deputy General Manager,
United Commercial Bank,
Zonal Head Office,
Chennai Zone,
No.238, Thambu Chetty Street,
Chennai – 600 001.
3. The Branch Manager,
United Commercial Bank,
Purasawalkam Branch,
No.14, Purasawalkam High Road,
Chennai – 600 007.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, calling for the entire records in pursuance of petitioner's termination letter dated 14.02.2019 in Misc/170/2018-2019 issued by the Third Respondent and consequently direct the Respondents to re-instate the Petitioner in regular service in the Third Respondent Bank with all attended benefits by considering her past continuous services from the year 2004 till 22.10.2018.

For Petitioner	: Mr.M.Hariraj
For Respondents	:
For R1	: Not Ready Notice
For R2	: No Appearance
For R3	: M/s.Jyotsna sivakumar for Mr.Srinath Sridevan

ORDER

The relief sought for in the present writ petition is to call for the entire records in pursuance of the petitioner's termination letter dated 14.02.2019 in Misc/170/2018-2019 issued by the third respondent and consequently, direct the respondents to re-instate the petitioner in regular service in the third respondent / Bank with all attended benefits by considering her past continuous services from the year 2004 till 22.10.2018.



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2. The reply letter dated 14.02.2019, issued by the third respondent stating that there is no provision and vacancy in the third respondent / Bank to appoint the writ petitioner as Sweeper.

3. The petitioner states that she was working as Scavenger on temporary basis and as part-time employee in the third respondent / Bank. A monthly salary of Rs.500/- was paid in the year 2004. The petitioner was engaged as a substitute for one Mr.Anbu, Sweeper, who was on leave, during the relevant point of time.

4. The petitioner states that she performed her duty to the satisfaction of the superiors in the third respondent / Bank and thereafter, she made a representation to consider her for regular appointment in the third respondent Bank.

5. The said representation was not considered and therefore, the petitioner filed W.P.No.22694 of 2018 and this Court passed an order on 03.09.2018, directing the third respondent to consider the representation



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submitted by the writ petitioner.

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6. Pursuant to the said direction, the third respondent Bank has given reply through the impugned proceeding dated 14.02.2019, stating that the petitioner came to the third respondent Bank for cleaning work on need basis. There is no provision and vacancy in the third respondent Bank to consider the petitioner for regular appointment. The said reply is under challenge in the present writ petition.

7. Appointments in the Nationalised Banks are to be made strictly in accordance with the recruitment rules in force. The petitioner was engaged on temporary basis for cleaning works during the year 2004, in a leave vacancy. Thereafter, the service of the writ petitioner was discontinued, but she made a representation.

8. Mere representation submitted by the petitioner would not confer any right to claim appointment in a sanctioned post on regular basis. All such appointments are to be made by following the procedures as contemplated, in the



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event of any notification for regular appointment and if the petitioner is otherwise eligible, she is at liberty to participate in the process of selection. Contrarily, she cannot merely submit a representation based on her temporary service, for the purpose of securing permanent appointment in the third respondent Bank. Thus, the relief as such, sought for in the present writ petition deserves no merits for consideration.

9. Accordingly, the writ petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

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Index:Yes/No
Speaking order/Non-speaking order
rgm/nti



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S.M.SUBRAMANIAM, J.

rgm/nti

To

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