



W.P(MD)Nos.24719 of 2019 etc.,

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.24719 and 24756 of 2019

and

W.P.(MD)No.4856 of 2020

and

W.M.P.(MD)Nos.21336, 21337, 21358 and 21359 of 2019

and

W.M.P.(MD)Nos.4230 and 4231 of 2020

W.P.(MD)No.24719 of 2019:-

S.Kandasamy

... Petitioner

Vs.

- 1.Canara Bank,
Rep by its Managing Director and C.E.O.,
Head Office, 112, J.C. Road,
Bangaluru - 560 002.
- 2.The General Manager,
Canara Bank,
Industrial Relations Section,
Human Resources Wing,
Head Office, 112, J.C. Road,
Bangaluru - 560 002.
- 3.The Deputy General Manager,
Canara Bank, Circle Office,
East Veli Street, Madurai 625 001.
- 4.The Assistant General Manager
Canara Bank,



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Human Resources Management Section,
East Veli Street, Madurai-625 001.

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5.The Chief Manager,
Canara Bank,
Murugan Kurichi,
Palayamkottai - 627 002,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to for the records pertaining to the impugned order in Memo No.58/2019 dated 20.09.2019 on the file of the respondent No.2 to the extent of Clause (D) under Terms of Settlement, erroneously counting seniority only from the date petitioner was converted as HKP for the purpose of promotion, and the consequential impugned order in Ref.No.MDUC HRM 2604 2019 dated 25.10.2019 on the file of the respondent No.4 and quash the same as illegal and consequently for a direction, directing the respondent No.4 to permit the petitioner to participate in Written test to be conducted on 01.12.2019 and to undergo further promotion process in respect of the promotion from subordinate staff cadre to Clerical Cadre to Clerical Cadre for the application as on 01.04.2019.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.N.Dilipkumar,
Standing Counsel.

W.P.(MD)No.24756 of 2019:-

M.Esakkappa

... Petitioner



W.P(MD)Nos.24719 of 2019 etc.,

Vs.

- 1.Canara Bank,
Rep by its Managing Director and C.E.O.,
Head Office, 112, J.C. Road,
Bangaluru - 560 002.
- 2.The General Manager,
Canara Bank,
Industrial Relations Section,
Human Resources Wing,
Head Office, 112, J.C. Road,
Bangaluru - 560 002.
- 3.The Deputy General Manager,
Canara Bank, Circle Office,
East Veli Street, Madurai 625 001.
- 4.The Assistant General Manager
Canara Bank,
Human Resources Management Section,
East Veli Street, Madurai-625 001.
- 5.The Chief Manager,
Canara Bank,
Melur, Tuticorin – 628 002,
Tuticorin District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to for the records pertaining to the impugned order in Memo No.58/2019 dated 20.09.2019 on the file of the respondent No.2 to the extent of Clause (D) under Terms of Settlement, erroneously counting seniority only from the date petitioner was converted as HKP for the purpose of promotion, and the consequential impugned order in Ref.No.MDUC HRM 2604 2019 dated



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25.10.2019 on the file of the respondent No.4 and quash the same as illegal and consequently for a direction, directing the respondent No.4 to permit the petitioner to participate in Written test to be conducted on 01.12.2019 and to undergo further promotion process in respect of the promotion from subordinate staff cadre to Clerical Cadre to Clerical Cadre for the application as on 01.04.2019.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.N.Dilipkumar,
Standing Counsel.

W.P.(MD)No.4856 of 2020:-

S.Kandasamy

... Petitioner

Vs.

1.Canara Bank,
Rep by its Managing Director and C.E.O.,
Head Office, 112, J.C. Road,
Bangaluru - 560 002.

2.The General Manager,
Canara Bank,
Industrial Relations Section,
Human Resources Wing,
Head Office, 112, J.C. Road,
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4.The Assistant General Manager
Canara Bank,



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Human Resources Management Section,
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5.The Chief Manager,
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Palayamkottai - 627 002,
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... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to for the records pertaining to the impugned order in Memo No.58/2019 dated 20.09.2019 on the file of the respondent No.2 to the extent of Clause (D) under Terms of Settlement, erroneously counting seniority only from the date petitioner was converted as HKP for the purpose of promotion, and the consequential impugned order in Ref.No.MDUC HRM 2604 2019 dated 25.10.2019 on the file of the respondent No.4 and quash the same as illegal and consequently for a direction, directing the respondent No.4 to permit the petitioner to participate in Written test to be conducted on 01.12.2019 and to undergo further promotion process in respect of the promotion from subordinate staff cadre to Clerical Cadre to Clerical Cadre for the application as on 01.04.2019.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.N.Dilipkumar,
Standing Counsel.



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COMMON ORDER

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Heard the learned counsel for the writ petitioners and the learned standing counsel for the respondent bank.

2.The writ petitioners joined the respondent bank as part-time employees. By virtue of the Bipartite Settlement entered between the management and the union on 28.09.2012, the writ petitioners were formally converted and appointed as House Keeper/Peon. The petitioners wanted to be promoted to the clerical cadre. To get so promoted, the petitioners had to fulfill two conditions. (a) They must have completed eight years of service from the date of conversion. (b) They must have successfully cleared the prescribed departmental tests. Even before completing eight years of service, the present writ petitions came to be filed.

3.Of course, the petitioners have also questioned the clause which stipulates the said condition that they must have put in eight years of service. This challenge to the clause has to be necessarily repelled. Under any Bipartite Settlement, certain benefits also accrue to the employees. The petitioners cannot seek to retain the benefits alone while not being burdened with the conditions. That apart, it is well settled that such Bipartite Settlement is binding on all the



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employees. They cannot be challenged at the instance of a few employees who find certain conditions of the settlement to be inconvenient. I do not find any ground to interfere. The petitioners have completed eight years of service with effect from 01.10.2020.

4.The writ petitions are dismissed with the aforesaid observation. No costs. Consequently, connected miscellaneous petitions are closed.

14.11.2022

Index : Yes / No
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G.R.SWAMINATHAN, J.

ias

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W.P.(MD)No.4856 of 2020**

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