

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9700 of 2023

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Shri Kant Paswan S/o Kishori Paswan R/o Village and P.O.- Atlakha Ward
No. -03 P.S.- Basnahi Via Mangwar Block- Sonvarsha Raj District- Saharsa.

... .. Petitioner/s

Versus

1. The Punjab National Bank Represented through the Zonal Manager, Chanakya Tower, 2nd Floor, R. Block, Patna.
2. The Zonal Manager, Punjab National Bank, Chanakya Tower, 2nd Floor, R. Block, Patna.
3. The Regional Manager, Punjab National Bank, Naulakha Apartment SN Singh Road, Opposite of DIG Office Khanjarpur, Bhagalpur.
4. The Branch Manager, Punjab National Bank Branch Nanauti, P.S.- Basnahi, District- Saharsa Bihar.
5. The Senior Manager, Punjab National Bank, Human Resource Development, Darbhanga, Bihar.
6. Jitendra Kumar Singh @ Abhinav Anand, S/o Sri Surendra Narayan Singh R/o Village and Post- Nanauti, Ward no. -15, Via Mangwar, P.S.- Basnahi, District- Saharsa, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Manoj, Advocate
For the Respondent/s : Mr. Mritunjay Kumar, Advocate
Bank

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**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY**

ORAL JUDGMENT

Date : 07-12-2023

Heard learned counsel for the petitioner and learned
counsel for the respondent Bank.

2. This writ application is filed by the petitioner against the respondent Bank contending that the petitioner was appointed as part time sweeper on 01.01.2013 and even without



passing any termination order, they have stopped the payment of salary and, therefore he was constrained to file the writ application to direct the respondents to reinstate him into service and pay all consequential benefit for the work done by him for the last 9 years.

3. It is contended by learned counsel for the petitioner that the petitioner was working as part time sweeper in Punjab National Bank, Nanauti Branch, on daily wage from the year 2013 to 2021 and though there was a permanent vacancy in the said Branch of the Bank, he was not considered for his appointment and the respondent no. 6, who is having no work experience, was taken into service and the respondent Bank has stopped payment of remuneration to the petitioner from May, 2021.

4. It is further contended by learned counsel for the petitioner that the petitioner has been working regularly without any blemish from any quarter and the Branch Manager has sent letters of appreciations and recommendation dated 30.09.2014, 24.05.2017 and 01.03.2021 for regularization of his service for the post of Part Time Sweeper to the higher authorities.

5. It is further contended by learned counsel for the petitioner that the petitioner has already made representation on



21.04.2023, which is also kept pending by the Bank authorities.

The Bank is neither paying the salary to him nor disposing of the representations, therefore, prays to direct the authorities to reinstate him.

6. On the other hand, learned counsel for the respondent Bank contended that the petitioner was a daily wage worker and was never appointed as part time sweeper in said Bank, therefore, the question of termination from service does not arise and the petitioner has no right to seek his reinstatement into service.

7. Considering the rival submissions of the parties, it is evident that the petitioner has made representations before the Bank authorities, which were kept pending since long time. Further the latest representation dated 21.4.2023 is also pending, therefore, this Court is of the considered view that the respondent Bank has to take a decision basing on his representation either to consider him on merits or to pass appropriate order, and if he is not entitled then to assign reasons as to why the petitioner's services are terminated. Therefore, the Bank authorities are directed to dispose of the representations of the petitioner within a period of six weeks from the date of receipt / production of a copy of this order.



8. With the aforesaid observations, this writ petition is disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.12.2023
Transmission Date	NA

