

Item no.24
15.06.2023
Saswata

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

**MAT 34 of 2023
with
IA no. CAN 1 of 2023**

**Bijoy Routh
-versus
The General Manager, HR Human Resources Division,
Punjab National Bank & Ors.**

Mr. Surajit Basu
Mr. Debajit Kundu

...For the appellant

1. Despite service, none appears on behalf of the respondent no. 3.
2. Leaned Counsel for the appellant submits that in terms of a circular of the bank dated 2nd July 2010, in case of filling up of the vacancies of a full time sweeper, the appellant may be given preference as part time sweeper in the station who is in receipt of at least 1/3rd of pay and allowances of his subordinate staff.
3. It is submitted that the Learned Single Judge has not considered the circular dated 2nd July 2010 in deciding the claim of the appellant.
4. Under such circumstances, we direct the respondent no. 3 to consider the writ petition as a representation and decide the claim of the appellant in light of the circular dated 2nd July 2010 after giving reasonable opportunity of hearing to the appellant, who may be allowed to be represented by an advocate on the date to be communicated to Mr. Debjit Kundu, learned advocate representing the appellant in this proceeding

within a period of four weeks from the date of communication of this order.

5. Since, we find that the Learned Single Judge did not consider the said circular dated 2nd July 2010, which is binding on the United Bank of India and any other circular that may be applicable to the appellant, the authority shall decide the same issue being uninfluenced by the observations made by the Learned Single Judge in this regard and shall dispose of such representation by a reasoned order.
6. Since, we have not called for any affidavits, the allegations are deemed not to have been admitted.
7. The appeal and the connected application are disposed of.
8. There shall be no order as to costs.
9. Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis upon completion of requisite formalities.

(Soumen Sen, J.)

(Raja Basu Chowdhury, J.)