



WEB COPY



W.P.No.30447 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2023

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.30447 of 2011

A.Thiruchandran

.. Petitioner

Versus

1. The Chief Manager,
Bank of Baroda,
(A Government of India Undertaking)
No.114-A, Jawaharlal Nehru Street,
Pondicherry - 605 001.
2. The Regional Manager,
Bank of Baroda,
(A Government of India undertaking)
123, Marshals Road,
Egmore, Chennai - 600 008.
3. The Sub Collector (Revenue) North-cum-
Sub Divisional Magistrate (North),
Office of the Sub Collector (Revenue) North,
Government of Puducherry. .. Respondents

RR-1 and 2 substituted *vide* order, dated 04.03.2021 made
in W.P.No.30447 of 2011.

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
pleased to issue a Writ of Certiorarified Mandamus calling for records



W.P.No.30447 of 2011

relating to the impugned letter of the 1st respondent in his Ref.No. nil, dated 03.11.2011 and quash the same as highly illegal and consequentially direct the 1st respondent to give employment to the petitioner in the post of the Peon.

For Petitioner : M/s.Achari and Antoni

For Respondents : Mr.Gowtham S.Raman, for R1

: R2 - No Appearance

: Mr.T.K.Saravanan,
Government Advocate for R3

ORDER

The Writ Petition is filed challenging the order, dated 03.11.2011, in and by which, the petitioner was informed of the decision not to absorb him on permanent basis in the post of Peon.

2. The case of the petitioner is that the petitioner was also sponsored by the Employment Exchange and was utilised by the respondent bank in their Pondicherry branch on various dates during the period 2005-2008. Thereafter, the Trade Unions entered into a Memorandum of Understanding with the Management, in which, it was agreed that 165 vacancies out of 235 vacancies in the cadre of Peon will be filled up by absorbing the personnel



W.P.No.30447 of 2011

WEB COPY

who worked on temporary basis. Accordingly, when the petitioner was sponsored through Employment Exchange, on the basis of an upper age limit, the petitioner's case could not have been rejected.

3. The learned Counsel for the petitioner would also submit that when the Employment Exchange has sponsored the name of the petitioner and the respondent bank has utilised the services of the petitioner, they cannot belatedly turn around and now insist on an upper age limit.

4. I have considered the said submissions made by the learned Counsel for the petitioner and perused the material records of the case. Even though under normal circumstances, when the respondents have utilised the services based on the sponsorship by Employment Exchange, thereafter, they cannot contend that he is over aged, in the present case, the petitioner's only right to get absorbed in the regular post on Peon arises out of the Memorandum of Understanding between the Trade Unions and the Management. When the said settlement imposes a condition that only such of those employees who were between 18 and 26 years of age as on date of their initial recruitment will be considered for absorption, then, the



W.P.No.30447 of 2011

WEB COPY

contention of the learned Counsel for the petitioner cannot be accepted when the petitioner is claiming under the settlement.

5. In view thereof, this Court is unable to grant any relief to the petitioner. Accordingly, finding no merits, this Writ Petition shall stand dismissed. No costs.

28.11.2023

Index : yes
Speaking order
Neutral Citation : no
grs

To

1. The Chief Manager,
Bank of Baroda,
(A Government of India undertaking)
No.114-A, Jawaharlal Nehru Street,
Pondicherry - 605 001.
2. The Regional Manager,
Bank of Baroda,
(A Government of India undertaking)
123, Marshals Road,
Egmore, Chennai - 600 008.
3. The Sub Collector (Revenue) North-cum-
Sub Divisional Magistrate (North),



W.P.No.30447 of 2011

WEB COPY

Office of the Sub Collector (Revenue) North,
Government of Puducherry.

4. The Public Prosecutor,
High Court of Madras.



WEB COPY



W.P.No.30447 of 2011

D.BHARATHA CHAKRAVARTHY, J.

grs

W.P.No.30447 of 2011

28.11.2023