



W.P.No.4081 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Writ Petition No.4081 of 2013
& M.P.No.1 of 2013

S.Sivakami

.... Petitioner

-Vs-

Central Bank Of India
Rep. By The Regional Manager Regional
Office No.14/15 Variety Hall Road
Coimbatore-641001.

.... Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the Respondent herein to absorb and regularize the services of the Petitioner as Safai Karamchari cum Sub Staff on permanent and regular basis in the Respondent Bank within a time frame.

For Petitioner : Mr.K.M.Ramesh
Senior Counsel for Mr.K.Bharathi

For Respondent : Mr.T.M.Hariharan

ORDER

The petitioner has sought for a writ of Mandamus directing the respondent Central Bank of India to absorb and regularize the petitioner in the post of Safai



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Karmachari-cum-Sub Staff on permanent and regular basis within a time frame.

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2. According to the petitioner, she was working as Safai Karmachari-cum-Sub Staff in Peelamedu Branch between 02.01.2007 to 30.04.2007. Subsequently, she says that she worked continuously between 2008 and 2011 at Palladam branch and from 2011 onwards from Aavarampalayam branch, all situated in Coimbatore District. In 2011, when the Staff Canteen started functioning, the petitioner was called upon to work at Staff Canteen and vouchers were issued in her name. In and by way of a representation dated 25.01.2012, the petitioner had mentioned her services in Aavarampalayam branch and Peelamedu branches and sought for her absorption. In the mean time, the recognized union of the bank and the respondent entered into a 18(1) settlement.

3. As per the 18(1) settlement, if a person had been employed as a temporary staff for more than 45 days in one calendar year (12 months), such person was entitled to be considered for appointment. The relevant portions of the settlement reads thus:

" 3. As a one time measure such temporary / casual workers so engaged by various branches within the guidelines of Central Office will be allowed to participate in the recruitment process for selection to the post of sub-ordinate staff with the designation



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'Safai Karmachari-cum-Sub Staff' and / or 'Sub-staff' , on Full-time basis (as per the eligibility criteria) along with fresh candidates, subject to fulfilling all the following conditions:

- (a) Such temporary / casual worker should have been engaged in sub-ordinate cadre (including as Safai Karmachari) and have put in a minimum 45 days service during a continuous period of 12 months.*
- (b) The age of the candidate should have been between 18 to 26 (relaxable in eligible categories as per Rules) when they were initially engaged as temporary/casual worker.*
- (c) The age of the candidate as on the date of this settlement should not have been more than 45 years, irrespective of category (ie., SC/ST/OBC/GEN).*
- (d) The candidate should produce satisfactory proof acceptable to the Bank in support his/her claim of having worked with the bank on temporary / casual basis for a minimum 45 days in a continuous period of 12 months."*

4. According to the petitioner, she submitted an application on 02.11.2012 on the strength of the advertisement issued on the same day, making a claim for appointment. This was followed by a further representation on 31.12.2012 to the Assistant General Manager, Regional Office of the respondent bank. The petitioner has produced certificate and statement of accounts from the Central Bank of India Staff Canteen to show that, during the relevant time, she was working in the Staff Canteen as well as at Palladam branch.



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5. Mr.K.M.Ramesh, learned Senior Counsel appearing for Mr.K.Bharathi, learned counsel for the petitioner would submit that the petitioner has fulfilled the requirements of the 18(1) settlement, in particular clause (3) (a) to (c) and she is entitled to be considered for appointment.

6. Mr.T.M.Hariharan, learned counsel for the respondent bank would strongly oppose the same and would state that the petitioner completed the age of 31 years on 17.03.2009, but had joined service only in September 2010 and therefore is ineligible to be considered under the 18(1) settlement.

7. I have carefully considered the case of the petitioner and the respondents.

8. Here is a case, where the petitioner belongs to the most oppressed of categories viz., she is a woman belonging to 'Arunthathiyar' community of Scheduled Caste. Even among the Scheduled Caste, 'Arunthathiyar' are the most depressed and it is for their benefit that an age relaxation of five years has been given.

9. The applicant has produced before this Court a certificate issued by the Chief Manager of Peelamedu branch of the respondent bank stating that she was



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performing certain specific duties of sub-staff on daily wages from 02.01.2007 to 30.04.2007, in all for 58 days. It was also certified that she was found to be reliable, hardworking and diligent in discharge of the duties. This is despite the fact that she was only casually engaged to work in the branch.

10. The job of the petitioner does not require any sophistication or deal with any complicated issues of banking. It is only a job of Safai Karmachari. The certificate that the petitioner has enclosed in the year 2014, was not put to the respondent for its consideration. If the letter of Mr.V.Arumugham, Chief Manager of Peelamedu branch is taken into consideration, the petitioner would be within the zone of consideration. I am persuaded to take this view because, as pointed out above, she hails from the lowest category of the society and even the application form that has been filled out has been done at the instance of someone else. This is clear from the neat manner in which the application has been filled in english. I do not expect, in this country, a person who is a Safai Karmachari to be so fluent in english to fill out an application without any mistake. Therefore, there is every possibility that despite having worked, she has not stated about it in the application. Had she enclosed the same, perhaps the necessity for filing this writ petition would not have arisen.



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11. It is argued by Mr.T.M.Hariharan, learned counsel for the respondent bank that the letter that has been produced by the writ petitioner is a fabricated one and cannot be relied upon. I have state that this can be proved only on verification with the person who has issued the certificate and the person who is beneficiary of such certificate and such other employee of the Peelamedu branch, who had worked with her during the relevant period.

12. Mr.K.M.Ramesh, learned Senior Counsel would point out that there is no particular format in which the Chief Manager or Managers, as the case may be, have issued certificates of employment and it is only a letter which each Manager had addressed in order to certify that the person had worked more than 45 days.

13. Therefore, I am of the view that suffice it to direct the respondent to call upon the petitioner to verify the certificate that had been produced before the Court and if the respondent bank is satisfied with the genuineness of the certificate, to consider her for appointment to the post of Safai Karmachari. With the above direction, this writ petition is disposed of. No costs. Consequently, connected M.P.is closed.

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Index : Yes/No
Neutral Citation : Yes/No
Speaking Order / Non-speaking order
KST



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To

The Regional Manager, Regional Office
Central Bank Of India, No.14/15 Variety Hall Road
Coimbatore-641001.



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V. LAKSHMINARAYANAN, J.

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