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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-7275-2022

Date of Decision:23.11.2023

ADEEP KUMAR

..... Petitioner

Versus

CANARA BANK AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Gaurav Sharma, Advocate
for the petitioner.

Mr. Vipin Mahajan, Advocate
for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to allow the petitioner to continue to perform his duties as attendant with respondent No.4 and regularize his service on the post of Attendant or Housekeeper-cum-Peon.

2. Learned counsel for the petitioner submits that petitioner is a 42 years old man having wife and 6 years old child. The petitioner during the last 9 years worked with respondent-Bank as attendant on daily wage basis. The respondent all of sudden on 28.03.2022 discontinued service of the petitioner. The petitioner is a poor man and in the absence of job, it is difficult for his family to survive.

3. Per contra, learned counsel for the respondents submits that petitioner was never issued an appointment letter, he was never appointed

against regular post and he was never paid salary as payable to regular employees. The Bank is not in need of service of petitioner because Bank is already having two more regular employees. The Bank cannot be burdened with additional cost of salary of the petitioner.

4. I have heard the arguments of both sides and with the able assistance of learned counsel perused the record.

5. Concededly, the petitioner was neither issued appointment letter nor appointed against a regular post. The petitioner was never paid regular pay scale. It is not the case of the petitioner that respondent is substituting petitioner with another contractual employee. This Court cannot ask Bank to avail services of the petitioner because it is complete discretion of an employer.

6. This Court finds that present petition being devoid of merit deserves to be dismissed and accordingly dismissed. The dismissal of the present petition would not preclude the respondent- Bank to re-consider case of the petitioner at subsequent stage.

(JAGMOHAN BANSAL)
JUDGE

23.11.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>