

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5761 OF 2024

Pimpri Chinchwad Sahakari Bank,
Pimpri, Pune

.. Petitioner

Vs.

The Election Commission of India,
New Delhi and Ors.

.. Respondents

Mr. S.B. Deshpande, Senior Advocate, with Mr. Ninad Deshpande,
Mr. Shreyas Deshpande, Advocates for the Petitioner.

Ms. Naira Jeejeebhoy, with Mr. Arun Panicker and Mr. Vijay Nair,
Advocates for Respondent No.1.

Mr. B.V. Samant, Addl. G.P., with Ms. P.B. Chavan, Asst. G.P., for the
Respondent-State of Maharashtra.

**CORAM : A.S. CHANDURKAR &
JITENDRA JAIN, JJ**

DATE : 24TH APRIL, 2024.

PC. :

1. We have heard learned Senior Advocate for the petitioner as well as learned counsel for the respondents. The grievance raised by the petitioner-Co-operative Bank is with regard to issuance of the communication dated 22nd March 2024 by the District Election Officer, Pune seeking to requisition services of about 32 staff members of the Co-operative Bank. According to the petitioner, it's entire staff comprises of 38 employees and if 32 of them are required to undergo election duty, the working of the bank would be hampered.

2. Reference is made to the 'Instructions' issued by the Election

Commission of India dated 7th June 2023 and especially clauses 8 and 10.4 to urge that the staff to be requisitioned ought to be to the minimum extent to ensure that the regular work of the Institution is not hampered. It is also urged that the duties expected to be performed are of micro-observers.

3. On behalf of respondent nos.2 to 4, affidavit-in-reply has been filed stating therein that the training sessions to be held were (i) on 6th April 2024, which was a government holiday; (ii) on 5th / 6th May 2024, which is Sunday/Monday and; (iii) on 12th May 2024, which is a Sunday. On this premise, it is urged that since the services are being requisitioned on holidays, the work of the Bank would not be affected.

4. It is not necessary to go into further details since the Co-operative Bank has accepted our suggestion that insofar as 5th and 6th May 2024 are concerned, 16 staff members would be deputed on both the said dates, which would thus enable the Bank to function with the other staff. It is noted that 5th May 2024 is a holiday on which day even otherwise the Bank is not in session. It is further noted that the last training session is on 12th May 2024, which is otherwise a Sunday.

5. In view of the aforesaid, the Co-operative Bank shall furnish two lists of 16 employees each who would be deputed for election duty on 5th

and 6th May 2024 respectively. The needful be done by 29th April 2024 by furnishing such lists to the District Election Officer, Pune. The Co-operative Bank shall accordingly instruct its staff members to abide by its directions. It is also expected that Clause 10.4 of the 'Instructions' issued by the Election Commission of India on 7th June 2023 would be adhered to.

6. Subject to the petitioner-Co-operative Bank complying with the aforesaid, no coercive steps shall be taken pursuant to the notices issued by the District Election Officer, Pune.

7. In view of the aforesaid, the parties to act in accordance with the directions issued. The larger issues raised are kept open. The writ petition is disposed of.

[JITENDRA JAIN, J.]

[A.S. CHANDURKAR, J.]