



W.P. No.7892 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2024

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.7892 of 2015

and

M.P.Nos.1, 2 and 3 of 2015

N.Pandiyarajan

... Petitioner

Vs

- 1.The General Manager,
Canara Bank, Human Resources Wing,
No.112, JC Road, Head Office,
Bangalore 560 002.
2. The General Manager,
Canara Bank, Human Resources Section,
Circle Office, TV Samy Road (West),
R.S.Puram, Coimbatore 641 002.
3. The Assistant General Manager,
Canara Bank, HRM Section,
Circle Office, TV Samy Road (West),
R.S.Puram, Coimbatore 641 002.
4. The Branch Manager,
Canara Bank, Veerapan Chattiram,
Erode 638 154.
5. The Deputy Director,



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Employment Exchange Office,
Chinimalai Road, Erode 638 002.

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... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the Impugned letter No.CBECO HRM E16 2799 2014 ABK dated 09.12.2014 issued by the 3rd Respondent requesting 5th Respondent employment exchange to sponsor candidates to be appointed as House Keeper cum Peon and quash the same as illegal, arbitrary, discriminatory and unfair and to consequently direct the respondents 1 to 4 to consider regularization of petitioner's permanent part time employment against permanent vacancy in the 4th Respondent bank and conversion of Petitioner employment as House Keeper cum Peon on par with other permanent part time employees who have already been regularized and converted as a House Keeper cum Peon.

For Petitioner	: M/s.M.Gnanasekar
For R1 to R4	: M/s.T.R.Sathiyamohan
For R5	: Mr.Abishek Murthy Government Advocate

ORDER

The present writ petition has been filed challenging the impugned letter dated 09.12.2014 issued by the 3rd Respondent requesting the 5th Respondent employment exchange to sponsor candidates to be appointed as House Keeper cum Peon and to quash the same.

2. The Petitioner was engaged as a part time employee on



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03.05.2014 and from 03.05.2014 to 29.05.2014 he worked at Nadupalayam, Canara Branch, Erode and had been working with the 4th Respondent bank till date. The Respondent and the Canara Bank Employees Union entered into a settlement dated 30.08.2014 with regard to regularization of persons engaged by the respondent while providing for relaxation in age and qualification for those persons who were engaged by the branches for cleaning work on or after 01.05.2010 and continued to be engaged as on 28.01.2014. The above settlement also prescribes certain eligibility and conditions for the part time employees to avail the benefits in terms of the said settlement.

3. It may be relevant to extract the eligibility criteria mentioned in Memo No.11/2014 dated 28.01.2014:

"B. REGULARIZATION OF PERSONS ENGAGED IN THE PERMANENT VACANCIES OF PTEs & CONVERSION OF SUCH PTEs AS HKP's UPON THEIR REGULARIZATION:-

.....

1.Eligibility / Other Conditions/ Procedure:

a. Eligibility:-

i. such person should have been registered with Employment Exchange; and

ii. such person should not be aged more than 45 years as on the date of first engagement; and

iii. such person should have been actually engaged on.



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or before 30.04.2010. and continued to be engaged as on 28.02.2014;"

(emphasis supplied)

4. It is pointed out by the learned counsel for the respondent that even in terms of the affidavit that has been filed, the petitioners were engaged only with effect from 03.05.2014 and thus would not satisfy the eligibility conditions prescribed under the settlement, one of which being the person should have been engaged on or before 30.04.2010 and continued to be engaged as on 28.02.2014. The relevant portion of the affidavit is extracted here under:

"5. I submit that I have studied upto 9th standard, I have already registered my name in the District Employment Exchange, Erode, at the time of my initial engagement in the respondent bank on 03.05.2014 my age was 36 years and since then I have been continuously engaged as part time employee in the permanent vacancy and have worked for more than 240 days in a calendar year and whereby I am entitled to be regularized as a permanent employee and for conversion as a House Keeper cum Peon."

5. From a reading of the above portion of the affidavit it would be clear that the petitioner was engaged only from 03.05.2014 and thus would not satisfy one of the eligibility criteria viz., that the person should have engaged on or before 30.04.2010. In view thereof I see no merit in the writ petition. The writ petition stands dismissed. No Cost.



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Consequently, connected miscellaneous petitions are closed.

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Speaking (or) Non Speaking Order

Index : Yes/ No

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To

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MOHAMMED SHAFFIQ, J.

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