



WEB COPY



W.P.Nos.20888 & 23559 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.Nos.20888 & 23559 of 2021

and

W.M.P.Nos.22153 of 2021

W.P.No.20888 of 2021

R.Siva

... Petitioner

Vs.

1. The Deputy General Manager,
(CMR Region)
Bank of Baroda,
Regional Office, CMR,
Chennai- 600 018.

2. The Assistant General Manager,
Bank of Baroda,
No.45, Moore Street, 4th Floor,
Chennai- 600 001.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records of the first respondent in his proceedings in RO:CMR1:HRM:56/1340 dated 03.06.2020 and quash the same and consequently direct the first respondent to



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regularize the petitioner in cleaning service with all wages and other attendant benefits from the year 1995 to till reinstatement of petitioner.

W.P.No.23559 of 2021

R.Siva

... Petitioner

Vs.

1. The Deputy General Manager,
(CMR Region)
Bank of Baroda,
Regional Office, CMR,
Chennai- 600 018.

2. The Assistant General Manager,
Bank of Baroda,
No.45, Moore Street, 4th Floor,
Chennai- 600 001.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the respondents to pay the appropriate wages from the year 1991 to till month of December, 2014 as per Minimum Wages Act, 1948 and Minimum Wages (Central) Rules, 1950 and also per the notifications of the Government of Indian which was from time to time along with applicable interest.

For Petitioner	:	Mr.A.Ilayaperumal
(in both W.P's.)		
For Respondent	:	Mr.G.Anand Gopalan
(in both W.P's.)		for Mr.Agam Legal Advocates



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COMMON ORDER

Heard Mr.A.Ilayaperumal, the learned counsel for the Petitioner and Mr.G.Anand Gopalan, the learned counsel for the Respondents.

2. These Writ Petitions are filed seeking direction to the first respondent to regularize the services of the petitioner and also to pay appropriate wages along with all other attendant benefits.

3. Mr.A.Ilayaperumal, the learned counsel for the petitioner, submitted that the respondent management had recommended the regularization of the petitioner by admitting that the petitioner has completed more than 270 days of service for consecutive three years; despite the same the petitioner has not been regularized and the respondents did not act upon their own proposal.

4. At this juncture, Mr.G.Anand Gopalan, the learned counsel for the respondents, submitted that the proposal has been considered by the first respondent and an order has been passed in this regard and communicated to the petitioner.. He further submitted that the petitioner cannot seek an order of regularization by way of filing a writ petition and the petitioner's remedy seeking permanency should be only before the appropriate statutory authority



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in this regard. It is further submitted that even the petitioner's claim for minimum wages should also be agitated before the appropriate statutory authority and the petitioner cannot maintain a writ petition for the relief sought in this regard.

5. When the respondents themselves admitted the continuous service of the petitioner for more than 270 days in the consecutive three years and recommendation in this regard has also got originated from the second respondent, it could have been acted upon without making further delay. Technically, if the petitioner is seeking for the relief of permanency then he has to workout his remedy only before the appropriate statutory authority and not by way of filing a writ petition.

6. It is seen from the records that the second respondent has recommended the regularization of the petitioner but that was declined by assigning reasons in the communication sent to the petitioner. In such a case if there is a dispute between the petitioner and the respondent management with regard to claim of permanency, the petitioner can raise the above dispute only before the appropriate statutory authority and workout his remedy there.

Without resorting to take the above process, the petitioner has straight away



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filed this writ petition which is a prematured one. Even for the claim for minimum wages, the petitioner has to seek recourse to the appropriate statutory authority and get an order by producing the materials he has filed now before this Court.

7. In view of the above discussions, the writ petitions are disposed by giving liberty to the petitioner to file appropriate application before the appropriate authority within a period of two weeks from the date of receipt of a copy of this order. No costs. Connected miscellaneous petition is closed.

27.08.2024

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order
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R.N.MANJULA, J.

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To

1. The Deputy General Manager,
(CMR Region)
Bank of Baroda,
Regional Office, CMR,
Chennai- 600 018.
2. The Assistant General Manager,
Bank of Baroda,
No.45, Moore Street, 4th Floor,
Chennai- 600 001.

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