



W.P.(MD).No.19343 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.19343 of 2021

B.Mayaraghavan

... Petitioner

Vs.

1.The Regional Manager,
Canara Bank, Madurai Region,
No.197, Pandiyan House,
P.B.No.118 – B, West Perumal Maistry Street,
Madurai – 625 001.

2.The Branch Manager,
Canara Bank, Thiruppalai Branch,
No.3/347 – A, Master Complex,
Iyer Bungalow, Natham Road,
Madurai North Taluk,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to permit the petitioner to continue as a Sweeper cum Attendant in the respondent Bank and to pay all attendant and monetary benefits by considering petitioner representation dated 09.08.2021.

For Petitioner : Mr.C.Gangai Amaran

For Respondents : Mr.N.Dilip Kumar, Standing Counsel



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ORDER

The present writ petition has been filed seeking a direction to the respondents to permit the petitioner to continue as a Sweeper cum Attendant in the respondent Bank and to pay all attendant and monetary benefits by considering petitioner representation, dated 09.08.2021.

2.Heard, the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents. Perused the materials on record.

3.The petitioner was appointed as a part time sweeper on 25.10.2014 at Syndicate Bank, Thiruppalai Branch. On 04.02.2020, the Syndicate Bank was merged with Canara Bank. Following which, on 18.07.2021, the petitioner was orally terminated from the post of part time sweeper. As such, the petitioner had made representation on 09.08.2021 to the respondent Bank seeking to permit him to continue as Sweeper cum Attendant. The same was not considered. Hence, this writ petition came to be filed.

4.The learned counsel for the petitioner submitted that the way, in which, the petitioner was terminated orally is *per se* illegal and pressed for allowing the writ petition.



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5.A counter affidavit has been filed by the respondents and the learned Standing counsel appearing for the respondents Bank Mr.Dilip Kumar submitted that in view of the fact that the petitioner served as a part time employee, his representation cannot be considered. He would further submit that the Syndicate Bank, Thiruppalai Branch, has been merged with Canara Bank, Iyer Bungalow Branch. As a result of which, there were surplus of sweepers and since the petitioner was working in part time post, he was terminated.

6.However, considering the fact that the representation is kept pending without passing any orders, this Court is inclined to point out the respondents that whenever, a representation is made to the competent Authorities, it has to be duly considered and non consideration of representation would amount to dereliction of duty. In view of the same, without going into the merits of the matter, this Court hereby direct the respondents to consider the representation of the petitioner, dated 09.08.2021 and pass appropriate orders on merits and in accordance with law, within a period of **twelve (12)** weeks from the date of receipt of a copy of this order.



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7. With the above said direction, this writ petition stands disposed of. No costs.

03.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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L.VICTORIA GOWRI, J.

TM

**ORDER IN
W.P.(MD).No.19343 of 2021**

03.07.2024