

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-3194-2024
Date of Decision: 18.04.2024

ASHWANI KUMAR ...Petitioner
Versus
BANK OF BARODA AND ANR ...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Satvir Singh, Advocate for
Mr. Kanwaljeet Singh, Advocate
for the petitioner.

Mr. Gaurav Goel, Advocate with
Mr. Tejinder Singh, Advocate
for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of Constitution of India is seeking direction to respondents to appoint him on regular basis or in alternative allow him to continue in service as Sub-Staff and is further seeking setting aside of order dated 26.10.2023(Annexure P-9) whereby his claim has been declined.
2. The petitioner joined Dena Bank in 2013 on temporary basis as Sub-Staff. He worked on the said post till 2022. Dena Bank has amalgamated with Bank of Baroda. The respondents have discontinued his services.
3. The respondent-Bank in reply to legal notice has stated that the petitioner himself discontinued coming to bank since 11.10.2022. On being asked, the petitioner failed to point out appointment letter and conceded that

he was appointed only on temporary basis, however, he claims that he had worked from 2013 to 2022. Thus, he should be permitted to continue in view of the judgment of Hon’ble Supreme Court in *Hargurpartap Singh V/s State of Punjab 2007 (13) SCC 292.*

4. Per contra Mr. Gaurav Goel, Advocate submits that bank as a matter of policy, makes appointment on regular basis. The petitioner was never appointed through regular process. He was working on temporary basis and w.e.f. April’ 2020 was getting pay on daily basis.

5. From the perusal of record, it comes out that petitioner concededly had worked with respondent-Bank from 2013 to 2022. The respondent-Bank is claiming that petitioner himself w.e.f. 11.10.2022 discontinued to work. The petitioner is ready to work. The petitioner was not appointed against a regular or sanctioned post. He was further appointed, without following regular process. Thus, he has no fundamental or vested right to claim continuation or regularization. However, considering the fact that respondent-Bank in reply to legal notice has claimed that petitioner himself discontinued to work w.e.f. 11.10.2022, the respondent-Bank is directed to consider case of petitioner sympathetically. The observation of this Court may not be treated as a right of petitioner to seek appointment.

6. Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

18.04.2024
himanshu

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No