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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% **Date of decision: 5th September, 2024**

+ **CONT.CAS(C) 491/2024**

SHARAD KUMAR JHAPetitioner

Through: **Mr. M.D. Jangra, Adv.**

versus

A MANIMEKHALAI AND ORSRespondents

Through: **Mr. Rajat Arora and Mr. Ravi
Ranjan Mishra, Advs.**

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

DHARMESH SHARMA, J. (ORAL)

CM APPL. 51631/2024 (For Restoration)

1. This application has been moved on behalf of the applicant/petitioner seeking restoration of the CONT.CAS(C) 491/2024, which was disposed of *vide* order dated 27.03.2024 by this Court, and seeking for compliance of the directions the order dated 27.03.2024 by the respondents.

2. Learned counsel for respondents is present on advance notice, along with respondent No.2, i.e., Deputy General Manager of the Union Bank of India.

3. Shorn off unnecessary details, the aforesaid contempt petition, of which restoration is sought, was filed alleging wilful disobedience of the order dated 01.06.2023 passed in W.P.(C) 4585/2020. Suffice to state that the petitioner along with others have raised an industrial



dispute with regard to their legal status and continuous employment on change in the legal status of the employer bank i.e. Union Bank of India and by the virtue of such reference, their service conditions cannot be changed by virtue of Section 33 of the Industrial Dispute Act, 1947.

4. The writ was disposed of with the direction that recourse be availed under the provisions of the Industrial Disputes Act and the petitioners shall remain protected. The contempt petition was filed since it was alleged by the petitioners that their services have been terminated *vide* order dated 03.06.2023.

5. It was recorded that there were nine similarly placed persons and out of whom eight had already joined except the petitioner, namely Sharad Kumar Jha, who had not reported for duties. An undertaking was given by the learned counsel for the petitioner that the petitioner would be joining the services of the respondent bank from the following day itself i.e., the next day to 27.03.2024. He was accordingly directed to report to Ms. Astha Uttam, Manager of Union Bank of India at Zonal Office at 601-6th Floor, Konnects Towers 2, Bhav Bhuti Marg, New Delhi-110 002.

6. In the instant application, the petitioner claims that the respondents have not allowed him to resume his duties, and thus, seeks restoration of the aforesaid contempt petition and initiation of appropriate directions against them.

7. Having heard the learned counsels for the parties, it is brought out that the petitioner was engaged initially in the category of MTS i.e., as a multi-tasking services. The main grouse of the petitioner



seems to be that he is being entrusted with work such as sweeping etc., which work was never envisaged to be performed by him. Although learned counsel for the petitioner has alluded to the letter dated 12.02.2017 addressed to DGM, Andhra Bank, Zonal Office, Delhi Zone by Ms. Sunanda Jha, Branch Manager, Andhra Bank, Moti Nagar (2804), wherein the petitioner is described as 'sub-staff, evidently, no formal contract was executed so as to delineate the nature duties to be performed but then having been engaged as MTS, the petitioner is expected to perform multifarious duties as may be commanded by this immediate Reporting officer.

8. Hence, after hearing the parties, this Court is not inclined to restore the aforesaid contempt petition since the petitioner has not been reporting for the duties and he cannot dictate terms to his Reporting Officer. At this stage, the petitioner states that he shall resume his duty immediately. The Branch Officer of the bank, who is present in the Court today, has assured this Court that the petitioner would be entrusted with such duties, which commensurate with his engagement as Sub-Staff and the petitioner would be treated in the same manner as similarly placed staff.

9. The application for restoration is disposed of accordingly.

DHARMESH SHARMA, J.

SEPTEMBER 05, 2024

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