

09.01.2025

Item no.ML273
Court No. 23

Asraf, A.R.(Ct)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA 1073 of 2024
with
CAN 1 of 2024

Hemanta Kumar Pal & Ors.
Vs.
Bangiya Gramin Vikas Bank & Ors.

Mr. Sardar Amjad Ali, Sr. Advocate
Mr. Samir Kumar Ghosh
Mr. Puranjan Pal

.....for the Writ Petitioners

Mr. Baidurya Ghosal
Mr. Saikat Mukherjee
Ms. Anupama Biswas

.....for the Respondent nos.1 to 4

Mr. Amiya Kr. Gayen, Sr. Advocate
Ms. Rama Ghosh Dastidar

....for the Respondent no.6/Union of India

In re : CAN 1 of 2024

The petitioners were part time sanitation workers / sweepers under Murshidabad Gramin Bank which has now merged with Bangiya Gramin Vikas Bank (for short, “the said bank”) being a bank established under Regional Rural Banks Act, 1976. The petitioners are seeking regularization of their respective services. After completion of affidavits it has transpired that the Secretary, Department of Financial Services, Ministry of Finance, Government of India, 6A, 3rd Floor, Jeevan Deep Building, Sansad Marg, New Delhi – 110001 is the

authority who can look into the issue of regularization and/or absorption of the petitioners and frame a scheme for the same. The writ petitioners have made this application for adding the said Secretary as a party respondent to the writ petition.

After considering the application which is numbered as CAN 1 of 2024 being filed on 26th July, 2024, I find that the Secretary, Department of Financial Services, Ministry of Finance, Government of India, 6A, 3rd Floor, Jeevan Deep Building, Sansad Marg, New Delhi – 110001 is a necessary and proper party to the writ petition. The Secretary, Department of Financial Services, Ministry of Finance, Government of India, 6A, 3rd Floor, Jeevan Deep Building, Sansad Marg, New Delhi – 110001 is added as party respondent no.7 in the writ petition. The learned Advocate for the petitioner is granted liberty to make such insertion in the Cause Title of the writ petition to effect the addition of parties.

The application being CAN 1 of 2024 is accordingly disposed of.

In re : WPA 1073 of 2024

After hearing the parties and considering the affidavits filed, this Court is of the view that the issue of regularization and / or absorption of the petitioners should be relegated to the Secretary, Department of

Financial Services, Ministry of Finance, Government of India, 6A, 3rd Floor, Jeevan Deep Building, Sansad Marg, New Delhi – 110001 who has been added as party respondent no.7 in this writ proceeding. The said respondent no.7 shall either through himself / herself or by forming a committee of at least three members having expertise in the field to decide on the issue of regularization and / or absorption of the writ petitioners. The respondent no.7 or the committee that may be constituted by respondent no.7 may also formulate a scheme for regularization and / or absorption of the writ petitioners if they find that the petitioners are to be regularized or absorbed which may aid other similarly circumstanced persons in the said bank as it is well-settled in view of the judgment reported in **(2015) 1 SCC 347 (State of Uttar Pradesh & Ors. vs. Arvind Kumar Srivastava & Ors.)** that similar circumstances employees should be given the same benefits give to another group pursuant to orders of Court to avoid multiplicity of judicial proceedings. The entire exercise of deciding the issue as to the regularization and / or absorption of the writ petitioners and formulation of the scheme, if the petitioners are found suitable for being regularized and / or absorbed, shall be completed within a period of one year from the date of communication of a server copy of this order.

The writ petitioners till the issue of their regularization and / or absorption is finalized should not be delisted from the panel of the respondent / bank or demobilized and should be allowed to perform their duties as they are continuing to do save and except on attaining the age of superannuation or being permanently disabled disentitling such part time sanitation workers / sweepers from working in the said bank.

Nothing further remains to be adjudicated in this writ petition. The writ petition is accordingly disposed of.

The petitioner and the respondents shall communicate this order to the respondent no.7 who shall act on the basis of server copy of this order without insisting upon production of a certified copy thereof.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Arindam Mukherjee, J.)