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**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH.**

201

**CWP-906-2022 (O&M)
Date of Decision: 20.01.2025.**

SURENDER

... Petitioner(s)

Versus

PUNJAB NATIONAL BANK AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

PRESENT: Mr. Rajender Sorout, Advocate, for
Mr. Anurag Sharma, Advocate,
for the petitioner.

Mr. Saurav Verma, Advocate,
Ms. Preeti Grover, Advocate, and
Mr. Anshul Pareek, Advocate,
for the respondents/Punjab National Bank.

VINOD S. BHARDWAJ, J (ORAL)

Challenge in the present writ petition is to the revised selection list dated 10.01.2022 (Annexure P-4) for the post of the Sweeper wherein the name of the petitioner has been deleted despite the same being reflected in the earlier selection list of 12.08.2021, compelling, the petitioner to approach this Court.

2 Learned counsel appearing on behalf of the petitioner contends that the petitioner was earlier appointed as a Part Time Sweeper under the Policy of the Bank in the year 2010-2011, in the newly opened branch of the

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United Bank of India. He submits that the petitioner was engaged by calling a requisition from the employment exchange, however, no formal letter of appointment was issued to the petitioner. He continued performing his duties with utmost dedication and devotion. There was no incriminating material against him at any point of time and no complaint, notice, enquiry or charge sheet of any kind was ever issued to the petitioner in relation to his discharge of duties.

3 It is submitted that vide notification dated 04.03.2020, issued by the Government of India in exercise of the powers conferred under Section 9 of the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970, United Bank of India and Oriental Bank of Commerce were merged with the Punjab National Bank. The scheme notified on 04.03.2020 was called as Amalgamation of Bank Scheme, 2020 effective from 01.04.2020.

4 He contends that thereafter the petitioner submitted an application to the respondents-Punjab National Bank to absorb him by giving him preference in view of experience of 8-9 years of unblemished service already rendered by him. He contends that instead of absorbing the petitioner on full time basis, the respondent bank issued a circular dated 17.07.2020 putting a ban on temporary posts in the subordinate cadre. Feeling aggrieved of the said order having been passed without affording any opportunity of hearing to the petitioner, CWP No.3722 of 2021 had been filed before this Court wherein an interim relief was granted to the petitioner to the effect that he shall be allowed to perform the duties till the next date of hearing only. In

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the meanwhile, the respondent bank issued a public advertisement for filling up 42 posts of Sweeper/Peon on 22.4.2021. The petitioner also submitted an application for the same. The list of the selected candidates was published on 12.08.2021 in which the name of the petitioner was reflected. An appointment letter dated 13.08.2021 was also issued to him, however, notwithstanding the issuance of the appointment letter, the petitioner was not allowed to join the services solely for the reason that the petitioner had filed a writ petition before this Court and the respondent bank insisted the petitioner to withdraw his case before he is permitted to join the service. Resultantly, the petitioner moved an application for withdrawing the case, which was allowed vide order 31.08.2021. Thereafter, the petitioner approached the respondent bank yet again submitting that as per respondent Bank's assurance he has withdrawn his case, therefore, he may be allowed to join but no action was taken and instead the respondent bank revised the selection list on 10.01.2022 in which the name of the petitioner was not reflected in the list of selected candidates. Challenging the said revised selection list dated 10.01.2022, the petitioner has approached this Court.

5 Learned counsel for the petitioner vehemently argues that the act of the respondent bank in revising the selection list and deleting the name of the petitioner was solely for the reason that the petitioner had earlier approached this Court against the respondent bank. He contends that even though the petitioner is higher in the order of merit, however, he has been left out as a measure of punishment to be inflicted upon him. He argues that the

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respondent bank be directed to allow the petitioner to join the bank and a letter of appointment be directed to be issued to him.

6 Learned counsel for the respondent bank, on the other hand, submits that the petitioner being employed by the erstwhile bank i.e. United Bank of India and having served that bank for a long period as claimed, approached this Court by filing CWP No.3722-2021 seeking the relief of absorption/regularization alleging to have worked with the said bank for more than 8-9 years. The said writ petition was dismissed vide judgment dated 11.12.2023 in terms of the **judgment dated 30.11.2023 passed in CWP-18839-2023 titled as 'Sanjay Kumar Vs. Punjab National Bank and others.'**

The operative part of the judgment dated 30.11.2023 reads thus:-

“17. In view of aforesaid judgments of Hon’ble Supreme Court, the petitioner has no vested or fundamental right to continue or claim regularization or claim age relaxation. This Court at the best could consider claim of the petitioner had appointments not been made. Undisputedly, the respondents have already completed selection process and petitioner has no fundamental or vested right to claim age relaxation. The Courts have directed State and its instrumentalities to grant age relaxation prior to completion of selection process and in the light of involved fact and circumstances. There is neither any straitjacket formula nor petitioner carry fundamental or vested right of age relaxation.

7 Counsel for the respondent Bank submits that identical issues is being agitated again by the petitioner in the present petition, which cannot be

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gone into since the aforesaid judgment has already attained finality. He further contends that even though it is not disputed that pursuant to the advertisement for filling up 42 posts of sweeper/peons with the respondent bank and the petitioner having been placed in the merit list dated 12.8.2021, the appointment letter dated 13.08.2021 was issued to him, however, when the respondent bank noticed that the merit list had been prepared without taking into consideration the different categories and mandate of providing for the statutory reservation under the Scheme. All the persons who were selected in the merit list of 12.08.2021 belonged to the General Category. Consequently, the merit list was revised by applying the statutory reservation that was required to be maintained in public appointments for the candidates belonging to the scheduled castes, scheduled tribes and other backward classes. The final merit list was thus revised wherein the name of the petitioner did not figure. He contends that nowhere in this petition, the petitioner has assailed the selection list on the ground that the person lower in merit than the petitioner had been selected or that any unfair roster for statutory reservation had been applied by the respondent bank. He contends that there was an error in the earlier declaration of the final result as the same was done ignoring the category wise classification and reservation and therefore, the same cannot vest an indefeasible right in the petitioner to seek appointment. Any such claim would be contrary to the mandate of Constitution providing reservation in the matters of public appointment. He thus contends that notwithstanding the specific stand reflected in the written

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statement having been filed more than three months prior, no replication/rejoinder to the same has been filed. Hence, the factual aspects remain uncontroverted.

8 Learned counsel for the petitioner is currently not in a position to dispute the same.

9 Taking into consideration the respective submission noticed above and considering that the revision in the selection list was carried out by the respondent bank in further implementation of the statutory scheme of reservation and that no person lower in merit than the petitioner has been selected, I find that no circumstances exist for interfering in the revised merit list so prepared by the respondent bank.

10 In view of above, the present writ petition is dismissed. Liberty is, however, granted to the petitioner to seek review of the present order in case the aforesaid aspects and claims made by the respondents in the written statement are found to be factually incorrect.

11 Pending misc. application(s), if any, shall also stand(s) disposed of accordingly.

January 20, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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