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

+ **W.P.(C) 3350/2024**

VIJAY KUMAR

.....Petitioner

Through: **Mr. Tushar Jaiswal, Advocate.**

versus

BANK OF INDIA

.....Respondent

Through: **Mr. Rajat Arora, Mr. Niraj Kumar
& Mr. Sourabh Mahala,
Advocates.**

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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26.09.2025

1. The petitioner was working on the post of “Sepoy” with the respondent-Bank of India [“the Bank”]. He has filed this writ petition seeking the following reliefs:

- “i. to issue a writ of mandamus or any other writ, other or direction thereby directing the respondent bank to consider the petitioner for his seniority and to provide all the service benefits since the year, 2013 i.e. since the year, when other 17 employees of the same post have been getting.*
- ii. pass any other order/s, which this Hon’ble Court deems fit and proper may also be passed in favour of the petitioner.”*

2. While issuing notice in the writ petition on 05.03.2024, a preliminary objection was noted on behalf of the respondents that, the petitioner is a workman, and must approach the appropriate forum under the Industrial Disputes Act, 1947 [“ID Act”]. This preliminary objection has also been taken in the counter affidavit filed by the respondent. Mr. Rajat Arora, learned counsel for the Bank, relies upon the judgment of this Court in *PTI Employees Union v. Press Trust of India Ltd.* [2020



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3. Both in the rejoinder filed before this Court, and oral arguments, the only ground taken is that an earlier writ petition filed by the petitioner [W.P.(C) 11322/2016] was entertained by this Court, and an order dated 27.07.2017 was passed in his favour. The said order has been placed on record and shows that the relief sought therein was against cancellation of the petitioner's candidature for the post of "Sepoy", and for a direction upon the Bank to give him employment in the said post. It was ultimately disposed of with the direction that the Bank would take a decision on the petitioner's appointment within a given time frame. I am informed that the petitioner was appointed pursuant to the decision of the Bank taken thereafter.

4. It is clear from the order dated 27.07.2017 that the said writ petition concerned the petitioner's recruitment to the post of "Sepoy", and no preliminary objection with regard to remedies under the ID Act was taken or adjudicated.

5. In these circumstances, reliance upon the said order to demonstrate maintainability of this writ petition is misconceived.

6. As the amenability of the petitioner's grievances under the ID Act is not otherwise contested, the writ petition is disposed of, with liberty to the petitioner to approach the appropriate forum under the ID Act.

7. The petitioner may seek appropriate directions for exclusion of the time spent before this Court before the appropriate forum.

PRATEEK JALAN, J

SEPTEMBER 26, 2025/'pv'/AD/