



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

218

CWP-1499-2018

Date of decision: 03.03.2025

RAKESH KUMAR

.....Petitioner

VERSUS

PUNJAB NATIONAL BANK, AND OTHERS

.....Respondents

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

Present: - Mr. Rajinder Kumar Mathur, Advocate
for the petitioner.

Mr. Saurav Verma, Advocate with
Ms. Preeti Grover, Advocate
for the respondent-Bank.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed for prohibiting the respondent-Bank from relieving the petitioner from his post (Part-time Sweeper) and to regularize his services against the said post since they are still lying vacant with the respondent Bank.

2. Learned Counsel appearing on behalf of the petitioner contends that the petitioner belongs to the Scheduled Caste category and had applied for the post of part time Sweeper to the Branch Manager-Punjab National Bank, Branch Dadu Majra, U.T. Chandigarh on 09.06.2015 whereupon he was hired as a part time Sweeper on 10.06.2015. He submits that the petitioner has since then continued to work with the respondent-Bank. He



CWP-1499-2018

-2-

submits that a representation was made by the petitioner to the National Commission for Scheduled Castes, Chandigarh Office for regularization of his services wherein the respondent-Bank stated that the selection of part time Sweeper has been done as per the Government Reservation Policy on merit basis and on the basis of a pre-determined criteria. The petitioner had appeared for the written test for the post of part-time Sweeper on 08.12.2017 and he failed to get selected for the said post. The subsequent selected candidate has since then joined. Claiming that an ad hoc employee has been replaced by another ad hoc employee, the instant writ petition has been filed.

3. Learned Counsel appearing on behalf of the respondent-Bank however contends that the appointment order issued by the Branch Manager to the petitioner specifically mentions that he had been hired as a part time Sweeper w.e.f. 10.06.2015 till a permanent part time Sweeper was posted at the Branch in accordance with law. He submits that the process of filling up of the vacant post had been initiated as per the criteria contained in the HRMD Circular letter No. 10/2016 dated 4.7.2016 for recruitment of Part Time Sweepers (PTS). Indents were placed with Employment Exchange, Chandigarh for sending the names of eligible candidates. The advertisement was also published in the local newspaper and it was also put up on the notice board of the Branches/Offices. A selection process for part-time Sweeper(s) was accordingly undertaken by the respondent-Bank wherein the petitioner also participated. He submits that the petitioner could not rank higher in the order of merit than the recommended candidate, as per the prescribed criteria and that even in the present writ petition, there is no



challenge to either the criteria or to the final merit list that had been prepared by the respondent-Bank.

4. Reliance was also placed by him on the judgment of this Court dated 30.11.2023 passed in a batch of writ petitions including **CWP-18839 of 2023** titled as “**Sanjay Kumar versus Punjab National Bank and others**”. The relevant extract thereof reads thus:-

“16. In the case in hand, the petitioner is claiming that he was working with Oriental Bank of Commerce on part time basis. The respondent advertised regular posts. The respondent did not attempt to replace one set of contractual/part time employees with another set of part time/contractual employees. The respondent invited applications for regular appointment. The petitioner was free to participate in the selection process subject to terms and conditions of the advertisement. The respondent has completed selection process and selected candidates have already joined.

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.

18. In view of above discussion and findings, this Court is of the considered opinion that present petitions are bereft of merit, thus, deserve to be dismissed and accordingly dismissed.”

5. I have heard learned Counsel appearing on behalf of the respective parties and have gone through the documents appended alongwith the present writ petition.

6. The undisputed position of fact which emerges on perusal of the above is that appointment as a part time Sweeper had been offered on walk-in basis by the then Branch Manager of the respondent-Bank to the petitioner till such time that a regular candidate through a regular process of selection was appointed. Undisputedly, the process of appointment was initiated by the respondent-Bank in accordance with the HRMD Circular letter No. 10/2016 dated 4.7.2016 laying down a prescribed criteria. The petitioner participated in the said process of selection but could not succeed in the merit list.

7. Under the given circumstances, it does not behold the petitioner to contend that the temporary appointment is biased or that the petitioner has been wrongly replaced by another temporary employee, rather, such replacement is by a regular selection process undertaken by the respondent-Bank, after affording a proper opportunity of participation to the petitioner as well. Further, the select list or the criteria as prescribed by the Bank as per the Circular has not been challenged in the present writ petition. Thus, the

**CWP-1499-2018**

-5-

result has attained finality. The selected candidate has since then already resumed work and joined the duty. He has continued on the said post thereafter. There is nothing on record to even ascertain as to whether the respondent-Bank has any other post and even if it is assumed for the sake of argument that any such post is lying vacant, whether the petitioner would still rank higher in the order of merit as compared to any other candidate is unclear. In the said circumstances, the action of the Bank cannot be termed as arbitrary or discriminatory in any manner.

8. The ratio of the judgment in the matter of Sanjay Kumar (supra) would be applicable in the facts of present case.

9. The present writ petition is accordingly dismissed at this stage.

(VINOD S. BHARDWAJ)
JUDGE

MARCH 03, 2025*Vishal Sharma*

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No