

Hem Raj & Ors. Vs. The H.P. Gramin Bank & anr. a/w connected matters.

CWP No. 391 of 2019 a/w CWP Nos. 599, 613, 834, 843, 869, 918 & 1081 of 2019.

08.01.2025 Present: Mr. Shrawan Dogra, Senior Advocate, with Mr. Tejasvi Dogra, Advocate and M/s Sparsh Bhushan, Anjali Soni Verma, Mr. Lovneesh Thakur, Advocates, for the petitioner(s), in the respective petitions.

Ms. Devyani Sharma, Senior Advocate, with Mr. Basant Pal Thakur, Advocate, for the respondents-HP Gramin Bank, in the respective petition.

Mr. Sunil Kumar, Advocate, for the respondent-PNB, in the respective petitions.

CMP No. 26317 of 2024 in CWP No. 613 of 2019

By way of this application, the applicant/petitioner has prayed for the following relief:-

"It is, therefore, humbly prayed that the present application may be allowed and Respondents No. 1 and 2 be directed to strictly implement the order dated 29.03.2019 and consequently direct the Bank Manager, Himachal Pradesh Gramin Bank, Mail, Tehsil Dalhousie, District Chamba, H.P., to permit the applicant to perform his duty as part-time Messenger, which work he was discharging on the date of order passed by this Hon'ble Court, i.e. 29.3.2019. Further, the Hon'ble Court, if deems proper, may initiate appropriate contempt proceedings against the officers named in Para 10 above. Any other order as deemed

fit in the circumstances of the case any also be passed in favour of the applicant.”

Learned Senior Counsel for the petitioners submits that when the petition was filed by the petitioners, this Court was pleased to direct in terms of order dated 29.03.2019 that status quo qua the services of the petitioners be maintained on same terms and conditions, on which day they stood engaged. He further submits that despite the fact that the order is still in vogue, the respondents arbitrarily discontinued with the service of the applicant namely Rajiv Kumar and this has necessitated the filing of the petition. He further submits that in view of the fact that the petitioner was continuing to serve on part-time basis on the strength of the order that was passed by the Court, the respondents could not have done away with the service of the applicant, in the manner in which it has been done and the same not only infringes the right of the petitioner but otherwise also, amounts to willful disobedience of the Court order. Accordingly, learned Senior Counsel submits that the application be allowed and the respondents be directed to continue with the service of the applicant, by re-engaging him and allowing him to perform the duties as were being performed by him, before his dis-engagement.

On the request of learned Senior Counsel for the respondent-Bank, the reply to the application was allowed to be filed in the Court itself and the same has been taken on record.

On the strength of the averments made in the reply, learned Senior Counsel for the non-applicant/Bank submits that the respondent-Bank has never stopped the applicant from entering the Branch and doing the cleaning work, however, the applicant firstly started harassing the Manager of the respondent-Bank and thereafter, both he and his wife started creating trouble in the Bank premises. She further submits that applicant made a complaint to the Hon'ble Speaker of the Vidhan Sabha, whereafter, an inquiry was conducted by the Bank, in terms whereof it was found that the applicant was filing false complaints by forging the signatures of the villagers on the pretext of water problem etc. in the village. She further submits that the applicant was not carrying out the work of cleanliness, for which he was engaged on hourly basis and in these circumstances, as the applicant is not entitled for any relief because of his conduct, the application be dismissed.

Having heard learned Senior Counsel for the parties and having perused the averments made in the application as well as the reply, this Court is of the

considered view that as the Hon'ble Division Bench of this Court, in terms of order dated 29.03.2019, was pleased to direct the respondents to maintain status quo qua the services of the petitioners in the writ petition, which includes the applicant also, this order cannot be allowed to be derogated on any account by any party. Respondent-bank cannot overreach the order. If applicant is not conducting himself properly, Bank can approach the Court for appropriate orders but it unilaterally cannot breach the Court order.

Accordingly, this application is disposed of with the direction to the respondent-Bank to allow the applicant to continue to serve the Bank, on the same terms and conditions on which he was performing the duties as on 29.03.2019. It goes without say that the applicant has to perform the work, for which he has been engaged and assurance of learned Senior Counsel on behalf of the applicant is taken on record that he will perform his duties diligently.

(Ajay Mohan Goel)
Judge

January 08, 2025
(Shivank Thakur)