

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

WA. No.133 of 2023

Sri Anjan Dey & Others.

.....Appellants

_V_E_R_S_U_S_

Oil and Natural Gas Corporation Limited and Others.

.....Respondents.

For Appellant(s) : Mr. P. Roy Barman, Sr. Advocate.

Mr. K. Nath, Advocate.

For Respondent(s) : Mr. A. Nandi, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD
HON'BLE MR. JUSTICE BISWAJIT PALIT

_O_R_D_E_R_

11.12.2023

Heard Mr. P. Roy Barman, learned senior counsel assisted by Mr. K. Nath, learned counsel appearing for the appellants also heard Mr. A. Nandi, learned counsel appearing for the respondents.

[2] The present appeal has been filed challenging the order dated 12.09.2023 passed by the learned Single Judge in WP(C) No.752 of 2021 whereby and whereunder the learned Single Judge vide aforesaid order dismissed the writ petitions filed by the appellants.

[3] The appellants have prayed for the following reliefs:

i. Admit the appeal.

ii. Call for the records.

iii. After hearing both the parties, set aside the impugned order dated 12.09.2023 passed by the learned Single Judge in WP(C) No.752 of 2021.

iv. Allow the writ appeal by directing the respondents to publish the result for the post of paramedics [Pharmacist (Allopathy), Grade-IV].”

[4] Mr. P. Roy Barman, learned counsel assisted by Mr. K. Nath, learned counsel appearing for the appellants has submitted that the learned Single Judge has failed to take into consideration that by not publishing the result after completion of selection process without any cogent reason and by cancelling the selection process only in respect to the post of Paramedics [Pharmacist (Allopathy)], the respondents cannot reduce the due selection process to a farce and mockery.

[5] He has further submitted that the learned Judge has failed to take into consideration that ONGC did not cancel the entire selection process all over India in respect to Paramedics and ONGC published results of Paramedic posts in respect to the similar advertisement in Mumbai region (Panvel) on 31.07.2020 and Dehradun on 28.09.2019 and also given appointment letter to the selectees. Further, the post of Pharmacist Gr. IV was published on 29.01.2019 and viva voce examination for successful candidates was done on 17.02.2020 which is much prior to COVID -19 Pandemic situation and during that period ONGC did not suffer any economic constraints.

[6] The learned Single Judge also failed to take into consideration that cancellation of notice of recruitment of paramedics at ONGC, Western Onshore Basin, Vadodara and ONGC, Assam Asset, Nazira has no connection with the cancellation of recruitment in ONGC, Tripura Asset, because in ONGC Tripura, recruitment process for post of Paramedics [Pharmacist (Allopathy) Grade-IV] has been already completed. Mr. Barman, learned senior counsel has further averred that in view of the advertisement No. 4/2018 (R&P) (For Non-Executive), Tripura Asset, Contractual Paramedics of ONGC, i.e. the appellants herein, will be treated as departmental candidates besides regular employee and ONGC departmental candidates/tenure based employees shall be given first consideration in matter of selection viz-a-viz other candidates, the appellants are legitimate expectation of being selected in the post of Paramedics [Pharmacist (Allopathy)] after successful completion of written test and viva voce test.

[7] It has been further contended that as the appellants have been serving on contract basis in the post of Paramedics since long the appellants have the legitimate expectation, that they would be regularized in the said post through fair selection process and for this reason, the action of the respondents to cancel the selection process only for the post for which the appellants applied is arbitrary.

[8] In reply, Mr. Nandi, learned counsel appearing for the respondents has submitted that initially the advertisement came to be published for total three numbers of Pharmacist, Grade-IV, Allopathy in Sl. No.6 of said advertisement and one number of Medical Assistant, Grade-IV (Dental Hygiene) against Sl. No.10 of said advertisement beside others. However, the matter was re-examined by the corporate office and it was deliberated between the senior

officer of the answering respondents including the office of Chief Employers, Relations, and the office of Chief Human Resources Development.

[9] It has been observed that due to the outbreak of COVID-19 pandemic and looking into the challenging the economic scenario and specially in the Energy and Petroleum Sector, the companies across the globe including the respondents herein, are constrained to revisit their business process and adopt cost effective schemes and welfare measures. Accordingly, the corporation in line with the current economic scenario has reviewed its duty pattern and re-worked its manning mix.

[10] The corporation has decided to review his non-core activities and found it is prudent to cancel the instant recruitment of the paramedics. It is submitted that a formal notification in this regard for cancellation of recruitment of paramedics post have already been issued by the corporation which is also placed before this Court and in the light of this, the recruitment process of paramedics disciplined has been cancelled by the corporate office.

[11] Having heard the learned counsel appearing for the parties and after perusal of the material evidence on record it is seen that the respondents have not communicated the final result to the candidates. This Court is of the view of that substantial ends of justice would be met if the appeal is disposed of with a direction to the respondents to communicate their intention/final result with regard to the selection process they have prepared or otherwise, if the same is abandoned any decision in this regard in pursuance of the notification dated 30.01.2019 pertaining to selection process during the year 2019 be communicated to the candidates either through website or notice in mode and accordingly, the same is ordered. It is further made clear that if any person is aggrieved by the same, they are at liberty to avail remedies in accordance with law. In the light of the above, the order of the learned Single Judge stands modified.

[12] The present appeal stands disposed of with the above observation. As a sequel, miscellaneous applications pending, if any, shall stand closed.

B. PALIT, J

T. AMARNATH GOUD, J

A. Ghosh

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