

GAHC010027432023



THE GAUhati HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/929/2023

SITA BALA DAS @ SITA RANI DAS
W/O- AJIT KR. ADHIKARI, R/O- BIHARBARI (BIHALPATTY), P.O. BELTOLA,
P.S. BASISTHA, DIST.- KAMRUP (M), ASSAM

VERSUS

THE CHAIRMAN CUM MANAGING DIRECTORS AND 3 ORS.
ORIENTAL INSURANCE COMPANY LTD., REGD. NO. ORIENTAL HOUSE,
P.B. NO. 7037-A-25/27, ASAF ALI ROAD, NEW NEW DELHI- 110002

2:THE CHIEF REGIONAL MANAGER
G.S.ROAD
ULUBARI
GHY-07

3:THE GENERAL MANAGER
ORIENTAL INSURANCE CO. LTD.
THE REGIONAL OFFICE- ULUBARI
GHY-07

4:THE BRANCH MANAGER
KHANAPARA
GHY-2

Advocate for the Petitioner : MR A N AHMED

Advocate for the Respondent : MR S DUTTA (R-1 to 4)

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 29/01/2024

Heard Mr. A.N. Ahmed, learned counsel for the writ petitioner. Also heard Mr. S. Dutta, learned senior counsel assisted by Ms. S. Mochahari, learned counsel appearing for the respondents.

The writ petitioner herein was initially engaged as a part-time Sweeper vide appointment order dated 19/04/1991. Subsequently, her services were upgraded vide office order dated 21/08/2023. However, despite having rendered service for more than 21 years, the petitioner's service has not yet been confirmed, as a result of which she has been compelled to approach this Court by filing this writ petition.

Mr. Ahmed submits that the petitioner belongs to the Schedule Caste community. She has been rendering her continuous services as a Sweeper for last 21 years. Therefore, there is valid good ground for the authorities not to confirm her service.

The respondents have filed affidavit-in-opposition. I have perused the same

It appears that the petitioner has been working as a Sweeper since the date of her engagement in the year 1991. However, according to the respondents, in between she has remained periodically absent from duty, as a result of which, prayer for confirmation of her service could not be accepted by the authorities.

Mr. S. Dutta, learned senior counsel appearing for the respondents has, however, submitted in his usual fairness that periodical absence from duty could not have been a ground for not confirming the service of the petitioner. Mr. Dutta also submits that the petitioner has been extended all service benefits including annual increments, medical facilities etc.

Having heard the learned counsel for both the sides and in view of the fact that it is the admitted position of fact that the petitioner is rendering continuous service since 1991, this Court is of the opinion that there can be no valid ground for the respondents for not considering her case for

confirmation in service.

In view of the above, this writ petition is being disposed of by issuing a Writ of Mandamus directing the respondents to consider the case of the petitioner for confirmation in service. As such, the respondents to pass appropriate order, in accordance with law, as expeditiously as possible but not later than 3 (three) months from the date of receipt of a certified copy of this order.

The writ petition stands disposed of.

JUDGE

sukhamay

Comparing Assistant