

DL-33

02.08.2023
Court No.5
(AD)

WP.ST 25 of 2014
With
IA No.: CAN 1 of 2016 (Old No.: CAN 10280 of 2016)
CAN 2 of 2023

Sri Lal Mohan Parua & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Ramkrishna Bhattacharyya
Mr. Sajal Kumar Pandit
Mr. K. Choudhury
Ms. Busra Khatun
Mr. Gour Hari Das
... for the petitioners.

The writ petition is directed against an order dated December 2, 2013 passed in OA-1061 of 2013 by the West Bengal Administrative Tribunal.

By the impugned order, the request of the writ petitioners for absorption as regular employees was turned down.

Learned Advocate appearing for the writ petitioners draws the attention of the Court to the pronouncement of the Supreme Court reported in (2006) 4 Supreme Court Cases 1 (Secretary, State of Karnataka & Ors. Vs. Umadevi & Ors.). He submits that, there are several recommendations by different authorities for the purpose of absorption of the petitioners to regular post. He contends that, the petitioners put in sufficient number of years and are receiving the benefits as regular employees and, therefore, should be absorbed.

None appears for the State.

On perusal of the records, we find that, the petitioners were not appointed through a regular selection process. The materials on record also do not show that they were working for a period in excess of ten years.

Umadevi & Ors. (supra) does not rule out absorption *per se* but requires several parameters to be fulfilled for the purpose of considering absorption. Even then, a one-time scheme is required to be floated.

None of the petitioners herein fulfill the criteria laid down by *Umadevi & Ors. (supra)* for consideration of absorption. None of the petitioners herein were appointed through a regular selection process.

In such circumstances, we find no merit in the present writ petition.

WP.ST 25 of 2014 along with all connected applications are dismissed without no order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

