

04.07.2023
Item No. 208
Ct. No. 238
AKG

WPA 4696 of 2023
Sri Susant Mahankur
Vs.
Indian Statistical Institute & Ors.

Mr. Jyotirmoy Som

...for the Petitioner

Mr. Anirban Mitra

...for ISI

In this writ petition, the petitioner has, inter alia, prayed as follows :

“ A writ in the nature of the mandamus commanding the respondents to reinstate the writ petitioner in the previous position along with renewal with a respectable, suitable competent and fulltime, regular, permanent and secure rehabilitation/reemployment directly at ISI, Kolkata the writ petitioner under an extreme compassionate ground with subsequent and adequate compensation, whereas he has spent the past 18 (eighteen) years with full efforts for rendering his dedicated and sincere service to I.S.I. and sincere service to I.S.I. and retain his constitutional right related to his life and livelihood and to maintain the sustentation of his dependable family members and a school going child for the ends of natural justice and as accordingly.”

The affidavit filed by the Indian Statistical Institute discloses the following facts.

The petitioner was engaged as a temporary Field Assistant in January, 2004 on ad hoc basis in connection with a project undertaken by one of the professors of the institute and he continued in different projects undertaken by the said professor till March, 2021. Subsequently, the petitioner was again selected as a Field Assistant following an advertisement published on June 2, 2021, with a consolidated monthly pay of Rs. 20,000/- per month. The said appointment was contractual in nature and the tenure of the contract expired on March 31, 2022.

After expiry of the contractual period, the petitioner was again appointed as an Office Attendant for a company incorporated at the Indian Statistical Institute, namely Institute of Data Engineering, Analytics & Science for one year. The affidavit suggests that the petitioner is still working to the said post.

From the facts disclosed by the Indian Statistical Institute, it does not appear that the petitioner was appointed at any point of time against a permanent post. He, however, has served as a contractual employee in different projects of the institute.

Therefore, the prayers made by the petitioner cannot be entertained by this Court.

Accordingly, **WPA 4696 of 2023** is dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Kausik Chanda, J.)