

18.08.2023
Item No.6
Ct. No.5
CHC
(dismissed)

WP.ST 278 of 2010

**Gautam Chandra Dhar & ors.
Vs.
State of West Bengal & ors.**

Mr. Sudip Krishna Dutta,
Mr. Kunal Ganguly,
Mr. Tirupati Mukherjee
...for the writ petitioners

The writ petition is directed against an order dated April 26, 2010 passed by the West Bengal Administrative Tribunal in O.A.166 of 2010.

Writ petitioners seek absorption.

Prayer for absorption was negated by the learned Tribunal.

Learned advocate appearing for the writ petitioners submits that, the Original Application was disposed of in absence of the State and without inviting any affidavit. No factual material was placed before Tribunal to arrive at a finding that, absorption was not possible.

Learned advocate appearing for the writ petitioners submits that, other persons who were appointed as General Duty Assistant were absorbed by the authorities.

The writ petitioners were appointed as General Duty Assistant. Their appointments were subsequently not renewed.

Absorption is possible if the initial appointment was irregular and that too as against the sanctioned post.

Writ petitioners are to establish that their appointments were in accordance with law and in respect of existing sanctioned post. They worked for 10 years. Petitioners are unable to demonstrate the same.

Petitioners cannot avail of any relief on the ground of other similarly circumstanced persons being absorbed on the principle of negative equality. Others may or may not be absorbed. Their absorption will not vest a right to the petitioners which is in derogation of the established principles for absorption.

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

WP.ST 278 of 2010 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)