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Ct No 2023
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AGM

W.P.A. 15731 of 2022

**Nilanjan Dutta
Vs
West Bengal Transport Corporation Ltd & Ors**

**Mr. Upendra Roy,
Mr. Kanchan Roy,**

... for the petitioner.

Ms. Deblina Chatterjee,

... For the respondent-Corporation.

Report on affidavit and exception thereto filed today in Court be retained with the records.

The petitioner is a contractual employee of the West Bengal Transport Corporation Limited (WBTCCL).

The petitioner's grievance is that despite the fact that other contractual employees of the company were regularized, the petitioner was not regularized.

The petitioner's father, since deceased, was an employee of the Calcutta Tramways Company (1978) Limited, which is the former name of WBTCCL. He died in harness on July 16, 2003. The petitioner was appointed on compassionate ground as a contractual employee on December 23, 2010.

The other candidates who have been regularized were also appointed by the same memo.

Mr. Upendra Roy, learned counsel appearing for the petitioner submits that the respondent/WBTCCL has acted arbitrarily and illegally and with mala fide intention in not regularizing the services of the petitioner.

Pursuant to the directions of this Court, a report has been filed on behalf of the WBTCL.

From the said report it appears that the service of the petitioner has not been found to be satisfactory by the employer. From page 8 of the report affirmed on September 2, 2022 it appears that an excess amount was found in the petitioner's bag and the petitioner was transferred with immediate effect. Again in 2017, the petitioner's bag was found with excess amount. On 2018 also the petitioner's bag was again found with excess amount and finally a show cause notice was issued on September 7, 2018.

The petitioner was directed not to be allowed to perform duty for a while. On November 1, 2018 the petitioner was again asked to join duty.

Given the Service Record of the petitioner, the petitioner was not considered for regularization.

Considering the rival submissions made by the parties and materials placed on record this Court finds that the employer WBTCL has sufficiently explained the reason for non regularization of the petitioner's services. A contractual employee does not have an unconditional right to be regularized in service and the reason for non-regularization is neither arbitrary nor smack of any malafide intent.

Nothing further remains to be agitated in the present writ petition.

In the light of the discussion above, **WPA 15731 of 2022** is **dismissed**.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court

(Lapita Banerji, J.)