

05 19.03.2024

Ct-08

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**MAT 49 of 2024**  
**with**  
**IA No. CAN 2 of 2024**

**Vivek Kumar Poddar**  
**Vs.**  
**Union of India & Ors.**

Mr. Amritam Mandal  
Ms. Jeenia Rudra  
... For the Appellant

Mr. S. Majumdar  
Mr. Subhankar Chakraborty  
... For Union of India

Mr. Kamal Kumar Chattopadhyay  
... For the Respondent nos. 2 to 7

1. We have heard the learned counsel appearing for the parties.
2. The writ petitioner was employed as an Assistant General Manager in the Food Corporation of India (F.C.I) in the year 2013. He previously participated in the selection process for the same post advertised by the FCI in the year 2011 but he was not given appointment as he was unable to produce the “No Objection Certificate” from the erstwhile employer Indian Air Force. The writ petitioner did not contemporaneously challenge the said selection process of 2011 instead he was seeking to have a review of his seniority in FCI.
3. Learned counsel for the appellant submits that the appellant/petitioner had produced the

forwarding letter, saying that the 'No Objection Certificate' is under process, before the Committee prior to selection process of 2011 but the same was not considered. However, he did not challenge the action of the previous employer or the present employer at that time. The entire selection process of 2011 was over in the mean time. Accordingly, his seniority cannot be reckoned from the year 2011 as he admittedly accepted employment in the year 2013 without any protest of previous selection process of 2011.

4. On such consideration, we do not find any reason to interfere with the order passed by the learned Single Judge.

5. In view of the above, the appeal stands dismissed.

6. In view of dismissal of the appeal, nothing remains to be decided in the application for stay being CAN 2 of 2024 and the same is accordingly dismissed.

7. However, there shall be no order as to costs.

8. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

**(Soumen Sen, J.)**

(Uday Kumar, J.)