

07.08.2024
Item No.56
Monthly List
Ct. No.26
CHC

RVW 197 of 2024
IA NO: CAN/1/2024

Sri Patit Paban Ghosh
Vs.
The State of West Bengal & ors.

in

WP.ST 129 of 2014

Sri Patit Paban Ghosh
Vs.
The State of West Bengal & ors.

Mr. Soumak Bera, Advocate
....for the applicant

Mr. Somnath Ganguli, Ld. A.G.P.
Ms. Priyamvada Singh, Advocate
...for the State respondents

In Re: CAN/1/2024

1. CAN/1/2024 is an application for condonation of delay of 318 days.

2. For the ends of justice, the causes shown in the application for condonation are accepted as sufficient and the delay in making and filing the review application is condoned.

3. CAN/1/2024 is disposed of.

In Re: RVW 197 of 2024

4. Review applicant seeks review of order dated July 27, 2023.

5. By the order dated July 27, 2023, we noted that, review applicant approached the Tribunal with a prayer for regularization and for payment for the work

done. We noted that, the prayer for regularization cannot be granted as the review applicant was never engaged through a selection process and that, review applicant rendered part-time service.

6. Learned advocate appearing for the review applicant submits that, review applicant was engaged permanently. In support of such contention, he draws the attention of the Court to page 49 of the writ petition being a Memo No. 682(140)/NZ dated July 19, 1995 as also to page 60 which, according to him is a gradation list where, one permanent employee who is appearing in the Memo dated July 19, 1995 was included. However, the name of the review applicant was omitted.

7. We find from the materials placed on record that, the review applicant pleaded in paragraph-2 of the writ petition that he was engaged as a 'Water Carrier'. Initially, father of the review applicant was in service till 1974 when he expired. Thereafter, his mother was engaged as the 'Water Carrier' till 1980. She could not work for the entire period due to her medical condition. Review applicant used to discharge the duties of her mother. On the death of his mother, the review applicant was engaged as a 'Water Carrier'.

8. Nature of duty claimed to be discharged by the review applicant itself shows that, it is a part-time job.

9. No letter of appointment to a permanent post is placed on record. No salary slip is placed on record. Review applicant is not claiming engagement as against a sanctioned post.

10. It is for the first time in the review application, the review applicant seeks to make a claim of a permanent employment. Such claim as noted above, remains unsubstantiated. In any event, such claim is not founded upon any relevant pleading in the writ petition. Documents on which such claim of permanent appointment is founded were made available on record by the review applicant at the time of passing of the order dated July 27, 2023. Review applicant is seeking to reargue the entire matter through the process of review, which is not permissible.

11. In such circumstances, we find no merit in the review application.

12. RVW 197 of 2024 is **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)