

09.07.2024
Item No.124 to 128
Monthly List
Ct. No.26
CHC
(dismissed)

MAT 703 of 2021
IA NO: CAN/1/2021
CAN/2/2023
CAN/3/2023
Ajoy Gangopadhyay & ors.
Vs.
The Union of India & Ors.
With
MAT 1051 of 2018
IA NO: CAN/1/2018(Old No:CAN/8717/2018)
CAN/2/2018(Old No:CAN/8718/2018)
CAN/3/2023
Abhijit Kumar Dhara
Vs.
The Union of India & ors.
With
MAT 1866 of 2019
IA NO: CAN/1/2019(Old No:CAN/12471/2019)
CAN/2/2019(Old No:CAN/12472/2019)
CAN/3/2023
Sujit Joardar & ors.
Vs.
The Union of India & ors.
With
MAT 1867 of 2019
IA NO: CAN/1/2019(Old No:CAN/12473/2019)
CAN/2/2019(Old No:CAN/12474/2019)
CAN/3/2023
CAN/4/2023
Sanjit Dawn & ors.
Vs.
The Union of India & ors.
With
MAT 705 of 2021
IA NO: CAN/1/2021
Ajoy Gangopadhyay & ors.
Vs.
The Union of India & ors.

Mr. Dibashis Basu, Advocate
Mr. Arun Bandyopadhyay, Advocate
...for the appellants
Mr. Pralay Bhattacharya, Advocate
...for the Union of India

Five appeals are taken up for consideration
analogously as they involve similar issues.

Five appeals are accompanied with condonation of delay applications.

For the ends of justice, we deem it appropriate to condone the delay in making and filing the appeals.

Appeals are at the behest of the writ petitioners who claimed that, their requests for regularization and/or consideration to the advertised post were not correctly appreciated.

By the impugned order learned Single Judge dealt with the various facets of the case. His Lordship took into account the nature of engagement of the appellants initially, their requests for appointment and/or regularization and the reasoned order passed by the authorities in negating the same. Learned Single Judge did not find any ground to interfere with the reasoned order.

Apparently, the impugned order was passed in the second round of litigation on behalf of the appellants. First round of litigation was a writ petition being W.P. 22581 (W) of 2017 which was disposed of by an order dated November 1, 2017 where, the authorities were requested to consider and decide the representations. There is also another earlier writ petition being W.P. 13321 (W) of 2017 which was disposed of by the order dated September 12, 2017 again requiring the authorities to dispose of the

representation of the appellants. Representation of the appellants were disposed of by reasoned order which was assailed in the second round of litigation as noted above resulting in the impugned order.

While dealing with the request for regularization, the authorities noted that, the appellants were not entitled to regularization against the permanent post of Medical Laboratory Technician. Since, there was no approval from the State Government with regard to such post. The authorities also noted that, the appellants were initially engaged on the pay roll of the Union of India and their engagement was limited to a particular project and that, on the conclusion of such project their employment came to an end.

Learned Single Judge noted such facts including the reasoned order.

The appellants were heard by the authorities prior to passing of the reasoned order. The reasoned order contains reasons for drawing the conclusions are recorded therein. Reasoned order was communicated to the writ petitioners. Breach of principles of natural justice is not established. There is no perversity in the impugned order. There is no perversity in the reasoned order also.

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

MAT 703 of 2021, MAT 1051 of 2018, MAT 1866 of 2019, MAT 1867 of 2019 and MAT 705 of 2021 along with connected applications are dismissed without any order as to costs.

(Debangsu Basak, J.)

(Partha Sarathi Sen, J.)