

03.12.2024
(D/L-3)
Ct. No.4
(Naba)

**W.P.C.T. 433 of 2012
(ASSIGNED)**

**Bapan Chattaraj
Vs.
Union of India & Ors.**

Mr. Abdul Hadi

... for the Petitioner.

Mr. Praloy Bhattacharya

... for the Union of India.

1. Heard the learned Counsel for the petitioner and the learned Counsel for the respondents.
2. The petitioner's claim for regularisation has been rejected by the authorities by an order dated 03.05.2011. The case was examined in light of the order dated 02.03.2011 passed on the petitioner's Original Application bearing O.A. No. 1365 of 2010 by the learned Central Administrative Tribunal, Calcutta Bench (Tribunal for short). The authorities have found that the petitioner was not holding any post. He was merely a casual worker whose services were being taken for the purposes of maintaining cleanliness in the office. There is no sanctioned post against which he was engaged and therefore, there was no occasion for his case to be considered for regularisation. The petitioner aggrieved by such rejection of his claim has approached the Tribunal by filing O.A. No.526 of 2011. The petitioner before the Tribunal has

stated that after his engagement as a sweeper in the office of the Director General of Mines Safety (DGMS) in 2001, the authorities have recommended his case for regularisation. Such recommendations start from the year 2006.

3. The learned Counsel for the petitioner has referred to letters issued by the Director General of Mines Safety (DGMS). The petitioner's learned Counsel, however, is not in a position to show that the casual engagement of the petitioner was ever against a sanctioned post.
4. Such being the situation, the rejection of petitioner's claim for regularisation was found to be sustainable by the learned Central Administrative Tribunal in the order dated 01.05.2012 passed in O.A. 526 of 2011. While passing the said order, the Tribunal has taken into consideration the settled legal position in this regard including the decision of the Hon'ble Apex Court in the case of ***State of Karnataka Vs. Uma Devi*** and subsequent decisions of the Hon'ble Apex Court in the case of ***Satya Prakash & Ors. Vs. State of Bihar*** reported in ***(2010) 2 SCC (L&S) 353*** as well as ***State of Karnataka Vs. M.L. Kesari & Ors.*** reported in ***(2010) 2 SCC (L&S) 826***. The decision of the Tribunal is a well considered decision referring to and relying upon

the decisions of the Hon'ble Apex Court. The fact that the petitioner was not engaged against a sanctioned post, therefore has been found to be a sustainable reason for rejecting the prayer for regularisation.

5. We are not inclined to interfere with the decision of the Tribunal.
6. The learned Counsel for the petitioner submits that the petitioner however, continues to be engaged on casual basis. If that be the situation, we make it clear that the present order may not be treated as an expression of any opinion against his continuance as a casual labour in the department.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)