

08.11.2024
Item No.38
Court No.1.
S. De

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

W.P.C.T. 4 of 2024

**Chief General Manager (BSNL), West Bengal
Telecom Circle-I, Kolkata & Anr.
Vs.
Narayan Barman & Ors.**

Mr. Rajiv Mukherjee,
Mr. Ratan Banik,
Mr. Saptarshi Banik, ...for the petitioners
(in virtual mode).

Mr. M.P. Chakraborty,
Mr. Avimannu Das, ...for the respondents.

Affidavit-of-service filed in Court today, be kept
with the records.

This writ petition is directed against an order
dated September 12, 2023, passed by the Central
Administrative Tribunal, Kolkata Bench in Original
Application No.350/01365/2014. The Tribunal
passed the following directions while disposing of the
original application :

a) *To re-examine the case of the
applicants in terms of instructions
contained in DoTs letter dated
20.09.2000, if the requisite posts have
already been created by the competent
authority in view of implementation of
instructions as contained in said letter
(i.e. DoT's letter dated 29.09.2000)*

- b) *If the requisite posts have not been created by the competent authority for implementation of instructions contained in DoT's letter dated 29.09.2000, in such circumstances, the case of the applicant be placed before the competent authority for fresh consideration.*
- c) *Decision so taken in this regard be intimated to the applicant forthwith thereafter."*

Learned advocate for the writ petitioners says that the Tribunal could not have directed the regularization of the respondents who are casual labourers. The case of Secretary, **State of Karnataka and Ors. Vs. Umadevi (3) & Ors.** reported in **2006 (4) SCC 1**, has not been considered by the Tribunal. Since there is no sanctioned post, the question of regularizing the respondents does not arise.

We have not called upon the learned counsel for the respondents to make submission.

We do not find from the order impugned in this writ petition that any mandate has been issued to the writ petitioners to regularize the respondents. The Tribunal directed the writ

petitioners to re-examine the case of the applicants in terms of the instructions contained in the DoT's letter dated September 20, 2000 and also directed the petitioners to consider other issues. No mandatory direction has been given to absorb the respondents. A decision has been directed to be taken by the writ petitioners in the light of the concluding paragraph of the impugned order.

We, therefore, do not find any legitimate reason for the writ petitioners to feel aggrieved. They will take a decision in accordance with law within eight weeks from date (January 3, 2025). The decision shall be communicated to the respondents within a week thereafter (January 10, 2025). The writ petitioners shall grant an opportunity of hearing to one of the respondents or an authorized representative of the respondents before taking a final decision.

Learned advocate for the petitioners tells us that the respondents have filed a contempt application before the Central Administrative Tribunal for alleged violation of the order dated September 12, 2023. Learned advocate for the respondents very fairly says that the respondents shall not proceed with the

contempt application for a period of ten weeks from date.

The writ petition being W.P.C.T. 4 of 2024 is, accordingly, disposed of.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance with all the necessary formalities.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)