

11.03.2025
(D/L-6)
Ct. No.4
(B.K.N.)

W.P.C.T. 210 of 2012

Santanu Ghosh
Vs.
Union of India & Ors.

Mr. Amal Kumar Banerjee
...for the Petitioner

1. Heard learned counsel for the petitioner.
2. The petitioner while working as a Junior Engineer-II appeared for selection to the post of Inter-apprentice, Mechanical (Electrical). Selection process was conducted in between September, to December, 2000 and result thereof was declared on 15th January, 2001 declaring him successful. Thereafter he was deputed for the training vide order dated 8th February, 2001. It is not in dispute that the training was of eighteen months period. It is also not in dispute that the petitioner was compelled due to the critical illness of his son to abort the training after twelve months. His training was thus incomplete, and he thereafter completed the training much later that is on 4th July, 2003. Thereafter he was posted on a regular basis vide order dated 6th August, 2003. For the purpose of grant of benefits of the promotional post for which he had completed the training the authorities have considered the date on which he has joined the promoted post that is on 6th August, 2003.

3. The petitioner on the other hand submits that he was compelled due to reasons beyond control to abandon the training midway after twelve months. It is under such circumstances that he approached the Tribunal for grant of benefits with effect from 2001. The Tribunal has considered the petitioner's claim and dismissed the Original Application seeking the relief of fixing his seniority with effect from 11th February, 2001 that is the date on which others who had enrolled in the training programme with him, instead of 12th August, 2003.

4. The consideration of the Tribunal is apparent from paragraph 10 of the order passed by the Tribunal which reads as follows:

"10. On in depth analysis of afore-mentioned paras of IREM we are of the considered view that para 303 (a) would squarely be attracted in present case. It is not in dispute that the applicant was nominated for 18 months training, but he did not complete said training in the scheduled time. Instead of 18 months, he took 29 months period to complete it. As notice hereinabove, he was on leave for 170 days, and was nominated for 2nd and 3rd session of training from 24.03.2003 to 20.06.2003, the result of which had been declared on 4.07.2003 and immediately thereafter posted on regular basis vide order dated 6.08.2003. Thus his date of appointment had been taken into consideration while determining his seniority. Unless a person joins a post concerned, his pay cannot be fixed and consequently seniority cannot be determined. Granting seniority prior to the date of appointment as well as fixation of pay in retrospective manner, as prayed for, would certainly be against the normal rules of service jurisprudence. One is entitled to seniority as well as pay fixation etc. from the date of appointment and not prior to. No rule or law has been pointed out by the applicant in support of contention raised."

5. We do not find any infirmity in the consideration which can be said to have occasioned any failure of

justice or that it is in any way liable to the set aside on any grounds whatsoever.

6. We are, therefore, of the opinion that the order of the Central Administrative Tribunal, Kolkata Bench in O.A. 747 of 2008 passed on 23rd March, 2012 requires no interference.
7. The writ petition is accordingly dismissed.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)