

23.04.2025
Court No.13
Item No.4-23
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WP.CT 283 of 2024
(Ruhit Tapader -Vs.- Union of India and others)
With
WP.CT 284 of 2024
(Gora Chand Das -Vs.- Union of India and others)
With
WP.CT 285 of 2024
(Sisir Kr. Saha -Vs.- Union of India and others)
With
WP.CT 286 of 2024
(Gabinda Munshi -Vs.- Union of India and others)
With
WP.CT 287 of 2024
(Sibnath Mitra -Vs.- Union of India and others)
With
WP.CT 288 of 2024
(Raju Chhetri -Vs.- Union of India and others)
With
WP.CT 289 of 2024
(Maniklal Das Khaskel -Vs.- Union of India and others)
With
WP.CT 290 of 2024
(Shambhu Nath Chakraborty -Vs.- Union of India and others)
With
WP.CT 291 of 2024
(Arup Adhikary -Vs.- Union of India and others)
With
WP.CT 292 of 2024
(Manas Dey -Vs.- Union of India and others)
With
WP.CT 293 of 2024
(Santu Kumar Das -Vs.- Union of India and others)
With
WP.CT 294 of 2024
(Manik Lal Das -Vs.- Union of India and others)
With
WP.CT 295 of 2024
(Palan Kumar Halder -Vs.- Union of India and others)
With
WP.CT 296 of 2024
(Panchanan Mondal -Vs.- Union of India and others)
With
WP.CT 297 of 2024
(Saila Bala Nayak -Vs.- Union of India and others)
With
WP.CT 298 of 2024
(Jhantu Kumar Shit -Vs.- Union of India and others)
With
WP.CT 299 of 2024
(Partha Das -Vs.- Union of India and others)

With
WP.CT 300 of 2024
(Parimal Roy -Vs.- Union of India and others)
With
WP.CT 301 of 2024
(Probir Seal -Vs. -Union of India and others)
With
WP.CT 302 of 2024
(Rupam Biswas -Vs.- Union of India and others)

Mr. Ujjal Ray,
 Mr. Arpa Chakraborty.
 ... For the petitioner in all these matters.

Mr. Swapan Kumar Nandi,
 Ms. Banani Bhattacharya.
 ... For the respondents in all these matters.

1. By consent of the parties, the aforesaid writ petitions are taken up for hearing analogously and disposed of by a common order.
2. The challenge in these writ petitions is a judgment and order dated 26th February, 2024 passed by the Central Administrative Tribunal, Kolkata Bench, Kolkata.
3. The impugned decision before the Tribunal was dated 7th October, 2022 whereby the Praser Bharati Doordarshan Kendra at Kolkata on direction from the Central Administrative Tribunal at Kolkata in O.A. No. 677 of 2020 came to consider the claims of the applicants for regularization of service under a Scheme of the respondents.
4. By the said impugned order dated 7th October, 2022, the case of the applicants for regularization of service was rejected. The reasoning of the respondents in

the impugned order dated 7th October, 2022 was that only 22 applicants had completed 240 days but were not engaged in any specific or sanctioned vacant post. The writ petitioners do not fall under the category of irregular appointees as they were engaged purely on casual basis for doing sundry work. Their eligibility was not examined with reference to any Recruitment Rules to the post in which they were engaged.

5. By the impugned judgment, the Tribunal applying the dicta of the Hon'ble Supreme Court of India in the case of ***Union of India – Vs. – K. C. Mondal*** reported in ***(2010) 2 Supreme Court Cases 422***, a Constitution Bench decision in the case of ***Secretary, State of Karnataka & Ors. -Vs. - Uma Devi (III)*** reported in ***(2006) 4 SCC 1***, the case of ***University of Delhi – Vs. – Delhi University Contract Employees*** reported in ***(2021) SCC OnLine SC 256*** and in the case of ***State of Rajasthan & Ors. – Vs. – Daya Lal & Ors.*** reported in ***(2011) 2 Supreme Court Cases 429***, could not find fault with the impugned order dated 7th October, 2022.

6. This Court finds that the impugned order dated 7th October, 2022 was passed after several rounds of litigation before the Tribunal. The petitioners and each of them and/or their representatives were duly heard. The reasons provided in the impugned order for rejecting the claim for regularization was that it was not in terms of

the Scheme of the Praser Bharati for regularization of casual employees. The impugned order appears to be based on evidence considered by the respondents and does not appear to be perverse.

7. This Court, therefore, does not find any reason to interfere with the impugned judgment of the Tribunal under Article 226 of the Constitution of India.

8. Mr. Ray, learned Counsel appearing on behalf of the applicants in all these writ petitions has placed reliance on a decision of the Hon'ble Supreme Court of India in the case of **Jaggo – Vs. – Union of India & Ors.** reported in **2024 SCC OnLine SC 3826**. He submits that a case for regularization rejected by the Central Administrative Tribunal and upheld by Delhi High Court was allowed by the Hon'ble Supreme Court of India in similar facts and circumstances. He, therefore, submits that the petitioners also ought to be regularized based on the dicta of the Hon'ble Supreme Court of India in the case of **Jaggo (supra)**.

9. This Court is of the view that the petitioners have raised disputed questions of facts which cannot be gone into by this Court under Article 226 of the Constitution of India.

10. A three Judge Bench of this Court at paragraph 34 in the case of **Awadhesh Singh – Vs. – Union of India**

& Ors. reported in **2013 SCC OnLine Cal 9458** has held as follows:-

34. We are of the opinion that when regularization/absorption and/or reinstatement/continuance is sought in the service of the Eastern Railway, the Central Administrative Tribunal will have the jurisdiction and as per provisions of section 28 of the Act of 1985, the matter can also be filed before the Industrial Tribunal or the Labour Court, as the case may be. Section 28 does not oust such jurisdiction of the Central Administrative Tribunal, it gives option to the workman to choose the forum.

11. Mr. Ujjal Ray seeks leave of this Court to move the authorities under the Act of 1947. This Court is of the view that the petitioners may be in a better position to demonstrate by trial on evidence before the Central Government Industrial Tribunal, Kolkata for assailing the impugned order dated 7th October, 2022, on facts and are hereby permitted to do so.

12. The other argument advanced by Mr. Ray, learned Counsel appearing on behalf of the applicants in all these writ petitions, that the respondents are seeking to engage the other casual employees in place and stead of the petitioners and that the same is in violation of the dicta of the Hon'ble Supreme Court of India in the case of **Hargurpratap Singh – Vs. – State of Punjab & Ors.** reported in **(2007) 13 Supreme Court Cases 292** may be agitated in appropriate proceedings, inter alia, as indicated hereinabove.

13. It is made clear that in the event, the petitioners choose to approach the Authorities under the Industrial Disputes Act, 1947, the observations of the Tribunal in the impugned order and of this Court herein, shall not stand in the way of any independent finding and/or decision by such authorities. In other words, the said authorities under the Act of 1947 shall be entitled to proceed strictly in accordance with applicable law uninfluenced by any of the observations of Central Administrative Tribunal or this Court.

14. With the aforesaid observations, this Court holds that no relief can be granted to the petitioners in these aforesaid writ petitions. They are disposed of without any orders.

15. There will be no order as to costs.

16. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)