

28.07.2025  
(D/L-163)  
Ct. No.4  
(B.K.N.)

**W.P.C.T. 226 of 2023**

**Prabir Singha  
Vs.  
The Union of India & Others**

Mr. Suryasarathi Basu

...for the Petitioner

Mr. S. Mukherjee

...for the Respondents/U.O.I.

1. The petitioner was the applicant before the Tribunal.  
The brief factual background is that the petitioner was engaged to attend to certain seasonal work for a period from February, 2012 to June, 2013. A similar engagement was made subsequently in May, 2015 which again ended in July, 2017.
2. The learned advocate for the petitioner submits that in 2015 some policy was introduced imposing a ban on engagement of persons like the petitioner/applicant. The local authorities of the department, however, engaged some persons and the applicant/petitioner raised an objection in this regard. He has thus been disengaged in 2017, on the basis of such allegations and findings in this regard as contained in a letter issued by the Regional Director to the Section Officer, Vigilance on 23.06.2017. He submits that without giving any opportunity to the petitioner his services have been abruptly brought to an end which could not be done in violation of the Principles of Natural Justice.

3. We have heard the learned advocate for the petitioner.
4. We find that earlier also the petitioner had filed an Original Application bearing O.A. 551 of 2018 which was disposed of to enable the authorities to consider the representation filed by the petitioner and dispose of the same by a reasoned and speaking order. The same has been done by an order dated 02.07.2018 rejecting the petitioner's representation. The rejection is by a communication showing due consideration of the points raised by the petitioner/applicant. From the same it is apparent that nearly one year after the petitioner's engagement in 2017, the respondents floated a tender for supply of manpower instead of direct engagement of casual labours. Tender was floated in compliance of directions issued by the Additional Director General (Admn.), ASI dated 10.08.2017. As per the e-tender, the work orders for engagement of unskilled workers in different monuments/sites have already been issued to the lowest bidders on 15.06.2018. The authorities have, therefore, expressed inability to reengage the petitioner/applicant or to allow him to work.
5. Learned advocate for the petitioner has raised an issue that the petitioner's disengagement is on the ground that he had raised complaint against engagement of other persons done by the local authorities contrary to the ban on of such engagement being imposed by the

Director General of Archaeological Survey of India (ASI) in the year 2015. We find such allegation to be unfounded as the learned advocate for the petitioner has not pointed out any such order casting any stigma on the petitioner which may be said to be causing any prejudice to the petitioner.

6. We further find that prayer has been made in the Original Application seeking reinstatement and regularization. Having regard to the nature of petitioner's intermittent engagement in between a period of 4 years, as a casual employee, we find such prayer to be devoid of any merit; and the consideration by the Tribunal in this regard requires no interference.
7. We further take note of the fact that there is no order casting any stigma on the petitioner/applicant which may be said to be causing any prejudice to the petitioners in case they seek employment elsewhere.
8. The Tribunal was only required to see whether the petitioner had any vested right by virtue of the intermittent casual engagement as noted above, to continue as a casual employees. The Tribunal has, therefore, rightly concluded that having regard to the nature of their engagement, which we find is not supported by any engagement order of the year 2013, the petitioner had no right to reinstatement, which could be enforced by issuance of a positive direction by the Tribunal, or for that matters by this Court. We find

no merit in the writ petition and no reason to interfere with the order dated 13.01.2023 passed in O.A. 01964 of 2018 by the Tribunal.

9. The writ petition is dismissed.
10. Urgent Photostat Certified copy of this order, if applied for, be supplied to the parties upon compliance with all necessary formalities.

**(Madhuresh Prasad, J.)**

**(Supratim Bhattacharya, J.)**