



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3829 OF 2025

The Administrator, Union Territory
of Dadra Nagar Haveli, Daman & Diu
and ors.

..Petitioners

vs.

Badal Kumar Barik

..Respondent

Mr. H. S. Venegavkar a/w Mr. Harsh Dedhia, for the
Petitioners.

Mr. Ramesh Ramamurthy a/w Mr. Saikumar Ramamurthy,
Ms. Seema Sorte, for the Respondent.

**CORAM : M. S. KARNIK &
N. R. BORKAR, JJ.**

DATE : 14th JULY, 2025

P.C. :

1. The challenge in this Petition is to the order dated 12th October 2023 passed by the Central Administrative Tribunal ("Tribunal", for short) in Original Application No.472 of 2022.

2. The brief facts giving rise to the present Petition are that on 20 September 1985, the Respondent was appointed as Laboratory Technician with Petitioner No.3. On 13th June 2002, the Respondent was granted first financial upgradation under the Assured Career Progression Scheme

with effect from 9th August 1999.

3. In 2015, the Respondent filed Original Application No.569 of 2015 before the Central Administrative Tribunal (for short "Tribunal") seeking regularisation of his services.

4. By order dated 6th February 2019, the Tribunal directed the petitioners to consider and decide the representation dated 28th July 2014 of the Respondent for regularisation.

5. By order dated 7th September 2021, the Petitioners rejected the representation of the Respondent for regularisation on the ground that he was appointed on ad-hoc basis.

6. The Respondent being aggrieved by the said order filed the above Original Application No.472 of 2022 before the Tribunal.

7. By the order impugned, the Tribunal has allowed the Original Application filed by the Respondent against the order dated 7th September 2021 passed by the Petitioners. The Tribunal directed the services of the Respondent be regularized from the year 1985 with all consequential

service benefits as per his eligibility.

8. We have heard the learned counsel for the Petitioners and learned counsel for the Respondent.

9. Learned counsel for the Petitioners submits that the post against which Respondent was appointed was reserved for the Scheduled Tribe category and thus the Respondent was appointed on ad-hoc basis. It is submitted that the Tribunal thus erred in directing regularization of services of the Respondent.

10. On the other hand, learned counsel for the Respondent submits that the Respondent was appointed after following due process of selection. It is submitted that the issue regarding the appointment of the Respondent that it was against the post reserved for the Scheduled Tribe was never raised before the Tribunal. It is submitted that in the Original Application No.569 of 2015, the stand of the Petitioners was that due to oversight the services of the Respondent were not regularized.

11. We have perused the impugned order. The Tribunal in paragraph 1.9 has recorded the following finding:-

"1.9. It is not in dispute that the applicant's appointment order mentioned that he was appointed on ad-hoc basis. Advertisement was issued on 01st September, 1984. Pursuant to that the applicant made application for the post of Laboratory Technician. The minutes of the meeting show that the applicant was interviewed and after careful consideration, name of the applicant was recommended for selection. The minutes nowhere mentioned that the selection made for the post of Laboratory Technician was on ad-hoc basis. In the appointment order though the words "on ad-hoc basis" appeared but the tenor of the order shows that his appointment was against existing vacancy and on permanent basis. The appointment order mentioned that the applicant will be on probation for a period of one year. The order dated 30th September, 1985 reiterated this position. It shows that the appointment of the applicant was against the existing vacancy. This position has been again reinforced by the office order dated 30th May, 2020 in which it is stated that the applicant was working on regular basis as Laboratory Technician. Use of these words indicate that the applicant was appointed against regular vacancy. This position clearly indicates that the appointment of the applicant was against regular vacancy. Not only this, the applicant was also allowed to open his GPF account. He was granted annual increments. In addition he was granted 01st ACP on 13th January 2002. This position makes it amply clear that appointment of the applicant was against regular vacancy and that too on permanent basis."

12. It is not shown that the issue regarding the appointment of the Respondent against reserved category was raised before the Tribunal. The Petitioners therefore cannot be permitted to raise the said issue for the first time before this Court. In view of the finding recorded by the Tribunal in paragraph 1.9, we are not inclined to interfere with the impugned order.

13. The Writ Petition is dismissed.

14. The Petitioners shall comply with the order of the Tribunal within a period of three months from today.

(N. R. BORKAR, J.)

(M. S. KARNIK, J.)