

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

HEARD ON: 19.02.2026
DELIVERED ON: 19.02.2026

CORAM:
THE HON'BLE CHIEF JUSTICE SUJOY PAUL
AND
THE HON'BLE JUSTICE PARTHA SARATHI SEN
WP.CT. 182 of 2024
Sri Milan Das.
Versus
Union of India & Ors.

Appearance:-

Mr. Rabin Kr. Gharaifor the Petitioner

Mr. Shiv Chandra Prasad
Mr. Ashok Prasadfor the respondents

JUDGEMENT (ORAL):

PER, SUJOY PAUL, CJ.:-

1. This petition filed under Article 226/227 of the Constitution assails the judgment dated 19.04.2024 passed by Central Administrative Tribunal, Kolkata Bench (Tribunal) in O.A. No. 350/01596/2016.
2. The claim of petitioner before the Tribunal was to set aside the speaking order dated 14.06.2016 and grant him temporary status in view of DOPT OM dated 10.09.1993.

3. Admittedly, as projected by parties, temporary status can be granted to an employee, who was engaged as casual labourer and is in employment on the date of issuance of OM dated 10.09.1993. During this period, he must have worked at least for 240 days.
4. Learned counsel for petitioner submits that the Tribunal has erred in not extending the said benefit to the petitioner and erroneously held that the petitioner could not prove that he has worked for 240 days before 10.09.1993. To support the said contention, our attention is drawn at page no. 14 by projecting it to be an 'appointment order'. Apart from this, he placed reliance on P-46 (Page-17), which shows that petitioner was engaged on 03.03.2014 for 08 hours.
5. Tribunal reproduced clause 4 of said OM dated 10.09.1993, which reads thus:

“.....

4. *Temporary status*

(i) Temporary status would be conferred on all casual labourers who are in employment on the date of issue of this OM and who have rendered a continuous service of at least one year which means that they must have been engaged for a period of at least 240 days (206 days in the case of offices observing 5 days week).....

(Emphasis Supplied)

6. The core issue before us is as to whether petitioner could plead and prove before the Tribunal that he had rendered 240 days service before the cut-off date i.e. 10.09.1993, the date of issuance of said office memorandum. The document, which is prior to 10.09.1993 is at page-14 on which heavy reliance is placed.
7. We have seen this document carefully. By no stretch of imagination, the said document can be called as 'appointment order'. It is only a note-sheet kind of document, which contains the name of the petitioner. This document, by no stretch of imagination can be a proof of petitioner's working for 240 days before 10.09.1993.
8. Learned counsel for petitioner repeatedly contended that he has so many documents to prove his working as per said office memorandum. However, despite repeated query, no other document could be shown, which is prior to the cut-off date i.e. 10.09.1993 and establishes his working as per above office memorandum.
9. Another document i.e. annexure-'P46' (page-17) shows his working only on a particular day i.e. 03.03.2014 for 08 hours.

10. Thus, petitioner miserably failed to establish that he had actually worked for 240 days before the cut-off date. If this essential requirement could not be established on facts, no law can help him. Thus, even if there are judgments of Supreme Court relating to grant of 'temporary status' and regularisation, such judgments can be pressed into service only when it is proved with accuracy and precision that petitioner had worked continuously for the stipulated period. Having failed to do so, no relief is due to the petitioner.

11. The Tribunal has taken a plausible view, which does not warrant any interference. Petition *sans* substance and is hereby **dismissed**.

(SUJOY PAUL, CJ.)

I agree.

(PARTHA SARATHI SEN, J.)