

09.06.2026
Item No.14
Ct. No. 1
RP

WPCT 200 of 2023

**Sk. Kamaluddin
VS.
Union of India & Ors.**

Mr. Mukteswar Maity
Mr. Sk. Md. Ismail
Mr. Sk. Md. Jayed

... For Petitioner

Mr. Asok Kumar Chakraborty, Ld. ASG
Ms. Reshmi Bothra

... For UOI

Dictated by SUJOY PAUL, CJ:-

1. Parties are represented through their respective learned counsels.
2. Heard on admission.
3. This petition assails the order of the Tribunal dated 1.3.2023 passed in OA/350/01357/2018 whereby his original application was dismissed by the Tribunal.
4. The bone of contention of the petitioner before the Tribunal was based on the judgment passed by the Central Administrative Tribunal, Guwahati Bench

in O.A. No.71 of 2011 and it is urged that the applicant before the Guwahati Bench is similarly situated. The petitioner in nutshell is seeking extension of the benefit of DoPT OM no.51016 /2/90/Estt.(C) dated 01.09.1993, which contains a condition/stipulation that such casual employees, who have worked for more than 240 days as on 1.9.1993, can be considered for regularization.

5. The Tribunal recorded the following finding:-

“It is not the applicant’s case that he has worked for more than 240 days as on 01.09.1993. Thus, he is clearly not covered by DoPT OM no.51016 /2/90/Estt.(C) dated 01.09.1993.”

6. Learned counsel for the petitioner submits that the petitioner’s case is covered by the said DoPT OM no.51016 /2/90/Estt.(C) dated 01.09.1993.
7. On more than five occasions a categorical question was raised by this Court as to whether there is any foundation/pleading

in the original application that the petitioner had completed 240 days as on 1.9.1993. Sadly, no answer is forthcoming. Thus, we find no reason to doubt the correctness of the order of the Tribunal and the findings mentioned hereinabove.

8. The question of similarity from another order of the Central Administrative Tribunal, Guwahati Bench would arise only when the applicant on his own makes out a case that he is on facts similarly situated. In absence of showing any pleadings and proof that the applicant had completed 240 days as on 1.9.1993, the question of extending the benefit under DoPT OM no. 51016/2/90/Estt.(C) dated 01.09.1993 does not arise. The Tribunal has taken a plausible view. The impugned order does not warrant any interference.
9. Accordingly, the petition is dismissed.

10. Urgent Photostat certified copy of this order, if applied for, be delivered to the learned advocates for the parties, upon compliance of all formalities.

(SUJOY PAUL, CJ.)

(PARTHA SARATHI SEN, J.)