

24.03.2026

Item No. 2

Ct. No.1

PG

WP.CT. 480 of 2013
Shri Dileep Kumar Mahato
Versus
Union of India & Ors.

Mr. Ujjal Ray
Mr. Jagadish Ranjan Das
.....for the petitioner

Mr. Anirban Mitra
.....for the respondents

PER, SUJOY PAUL, CJ.:

1. This petition filed under Article 226/227 of the Constitution of India takes exception to the order dated 10.10.2012 passed by Central Administrative Tribunal, Calcutta Bench, Kolkata in O.A. No. 1197 of 2009, whereby original application filed by petitioner seeking regularisation was not entertained on the singular ground that “A person, who has been appointed on contract basis, cannot approach this Tribunal for direction which deals with service matters.”

2. Learned counsel for petitioner, criticising this finding, submits that petitioner was claiming regularisation on a permanent post and tribunal has jurisdiction to entertain such prayer.
3. Sri Mitra, learned counsel for the other side supported the order impugned.
4. A conjoint reading of section 3(q), section 14 and section 19 of the Administrative Tribunals Act, 1985 makes it clear that the definition of 'service matter' is wide enough. If a person is claiming regularisation/recruitment/promotion on a permanent post by way of regularisation or otherwise, he can very well avail the remedy under the Administrative Tribunals Act. The petitioner in the instant case, was seeking regularisation on a permanent post. Whether or not he will succeed is a different facet. It was not open to the

tribunal to hold that contractual employee cannot knock the doors of the tribunal as an applicant. Thus, the impugned order cannot sustain judicial scrutiny. **See (1992) 4 SCC 432 (Union of India & Ors. vs. Deep Chand Pandey & Anr.)**

5. Resultantly, order dated 10.10.2012 is set aside. O.A. No. 1197 of 2009 is restored to its original number and file before the tribunal.
6. The tribunal shall endeavour to ensure that pleadings are completed (if not already completed) within eight weeks from the date of production of copy of this order and matter may be heard at the earliest, preferably within 60 days therefrom.
7. With aforesaid and without expressing any opinion on merits, the petition is **disposed of.**

8. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(SUJOY PAUL, CJ)

(PARTHA SARATHI SEN, J.)