

Order dated 21.11.2003

The applicant was originally appointed as Peon in the Respondents-Department in the year 1984. Thereafter, he was appointed as Workshop Attendant on adhoc basis vide order dated 3.8.1987. It is his case that he should be regularised in the post of Workshop Attendant from that date onwards.

The applicant had also approached the Tribunal on an earlier occasion in O.A.418/95, which was disposed on 5.2.1998, giving a direction to the Respondents therein to convene a DPC and consider the case for regularisation of the applicant as Workshop Attendant.

The Respondents have filed a detailed reply. It is their stand that the promotional avenue for the cadre of Peon is Daftry and thereafter Workshop Attendant. Regular promotions were made after the recommendations of a duly constituted DPC. In case of the applicant, he holds a regular post of Daftry only and has been functioning as Workshop Attendant on adhoc basis. However, pursuant to the direction of the Tribunal in O.A.418/95, the applicant's case was taken up for regularisation on two occasions, viz., 7.4.1998 and 27.9.1999. However, his regular promotion to the post of Workshop Attendant could not be considered due to his position in the combined gradation list of Group-D staff of Calcutta Unit. Therefore, it is stated in the reply that there is no merit in the O.A.

Since this O.A. is more than three years old and the pleadings are complete, it was taken up for final disposal. We notice from the proceedings that applicant was given more than adequate chances to file rejoinder if he wanted to do so. However, we find that despite the number of opportunities given to him no rejoinder has been filed and when the matter was called none represented the applicant. Under these circumstances and in view of the old nature of the case, we have taken ~~xx~~ to dispose it of on merits.

Heard Shri A.K.Bose, learned Senior Standing Counsel, who traversed the details of the case and explained the various measures taken by the Respondents to comply with the direction of the Tribunal in O.A. <sup>dt 5. Feb. 98</sup> 418/95. In short, it was stated that the applicant's turn for regularisation to the post of Workshop Attendant has not yet come in view of his lower position in the gradation combined list. We have perused the documents. Having regard to the fact that the Respondents have complied with the direction of this Tribunal in O.A. 418/95, and that the applicant's case for regularisation to the post of Workshop Attendant was considered twice by the Departmental Promotion Committee and ~~that~~ <sup>that</sup> he was not ~~he~~ found fit in view of his position in the seniority list, we ~~think~~ that there is no merit in this O.A. Accordingly, the O.A. is dismissed. No costs.

Shyam Sunder S..  
21.11.03.  
MEMBER (ADMINISTRATIVE)

T. Narayan Chandy  
MEMBER (JUDICIAL)

Letter or email  
may be sent to  
the court to indicate

Shyam Sunder  
S.O.S.

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5.12.03