

**Central Administrative Tribunal  
Kolkata Bench, Kolkata**

O.A. No.260/2017

Monday, this the 10<sup>th</sup> day of June 2019



**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Mr. N. Neihisial, Member (A)**

Padma Lochan Nayak, s/o Krishna Nayak  
aged about 50 years  
working as Driver, Resident at 6W, Raja Apurba Krishna Lane  
Kolkata 700 050, West Bengal

..Applicant

(Mr. A Chakraborty, Advocate)

Versus

1. Union of India through the Secretary  
Ministry of Health and Family Welfare  
New Delhi – 110 001
2. The Secretary, Ministry of Finance  
Department of Finance, New Delhi – 110 001
3. The Director General, India Council of Medical Research  
Ansari Nagar, New Delhi – 110 029
4. The Indian Council of Medical Research  
Represented by its Secretary  
Department of Health Research,  
Aswani Nagar, New Delhi – 110 029
5. The Director, IPGMER, Kolkata 244,  
AJC Bose Road, Kolkata – 700 020
6. The Assistant Director General (Admn.)  
ICMR Ansari Nagar, New Delhi – 110 029

..Respondents

(Mr. A P Deb, Advocate)

**O R D E R (ORAL)**

**Justice L. Narasimha Reddy:**

The applicant is working as Driver in the R. G. Kar Medical  
College, Kolkata, under a project sponsored by the Indian Council

of Medical Research (ICMR), the 4<sup>th</sup> respondent herein. Earlier, he approached the Kolkata High Court, seeking regularization of his service, by filing W.P. No.2995 (W) of 2000. That was transferred to this Tribunal and was numbered as T.A. No.13/2012. On the basis of the directions issued in an order dated 31.05.2016 passed in T.A. No.13/2012, a detailed /speaking order dated 08.02.2017 was passed. It was observed that the appointment of the applicant is only in relation to a project and he cannot be extended the relief for regularization. This O.A. is filed challenging the detailed / speaking order dated 08.02.2017.

2. The applicant has raised several contentions in challenge to the detailed / speaking order and prayed for his absorption in the service of the respondents.

3. On behalf of the respondents, a counter affidavit has been filed. It is stated that having regard to the nature of employment and conditions thereof, services of the applicant cannot be regularized at all. Reference is made to various orders and schemes.

4. We heard Mr. A Chakraborty, learned counsel for applicant and Mr. A P Deb, learned counsel for respondents, at length.

5. The applicant has been making efforts to get absorbed in the service of the respondents, for the past several years. A detailed / speaking order dated 08.02.2017 was passed in



compliance with the directions issued by the Tribunal in T.A. No.13/2012.

6. The necessity for us to deal with various aspects raised by the applicant in detail, at this stage, is obviated on account of a development that has taken place during the pendency of the O.A. Through an order dated 21.11.2017, the 4<sup>th</sup> respondent – ICMR, has mooted the proposal for regularization / absorption of the services of as many as 116 employees. The applicant is said to be one of them. The proposal is now pending with the Ministry. Therefore, the applicant has to await the outcome of such proposals.

7. The O.A. is accordingly closed, leaving it open to the applicant to pursue the remedies, depending upon the response of the Ministry, to the proposal submitted by the 6<sup>th</sup> respondent, through an order dated 21.11.2017.

There shall be no order as to costs.

( N. Neihisial )  
Member (A)

( Justice L. Narasimha Reddy )  
Chairman

**June 10, 2019**  
/sunil/