

W.P.S.T. 108 of 2026

Kartick Sarkar & Ors.

VS.

**Inspector General of Registration & Commissioner
of Stamp Revenue, Kolkata & Ors.**

Mr. Satrajit Sinha Roy

...for the Petitioners

1. Heard the learned advocate for the applicants/writ petitioners.
2. The writ petitioners are working as casual daily rated employees. They have been performing their duties in the department and in recognition of such services they were granted benefit of the memorandum issued by the Labour Department dated 16.09.2011, bearing No. 9008-F(P), whereby and whereunder the casual/daily rated contractual workers were granted security of tenure and other benefits akin to a regular service.
3. It is admitted case of the applicants/writ petitioners that all of them have availed such benefits. The separate orders granting such benefits to the petitioners, issued in the year 2017 has been placed before us.
4. Having availed such benefits in 2017, an O.A. came to be filed in 2021, claiming the relief of regularisation based on two notifications bearing No. 1650-Emp. dated 28.08.1980 and No.1700-

Emp. dated 03.08.1979 which are not in force any more. The petitioners having taken the benefit of the subsequent policy were not found suitable for issuance of a direction by the West Bengal Administrative Tribunal ('Tribunal' for short) for their regularisation.

5. The learned advocate for the writ petitioners submits that in the case of **Uma Devi**, there was a direction for consideration of the persons working since ten (10) years without the aid of an order of the Court, who are initially appointed against sanctioned post, otherwise fulfilling the requisite qualification and after complying with the requirement of Article 14 and 16 of the Constitution of India, to be considered for regularisation.
6. The Judgement of the Apex Court relied upon, in our opinion, does not come to the aid of the writ petitioners.
7. It is not their case that they were taken into casual daily rated service on the basis of any process in compliance with Article 14 or 16 of the Constitution of India, as there is no such averment in the O.A.
8. We also find that the petitioners have availed the benefit of the Notification dated 16.09.2011. It is also not in dispute that the two Emps' issued in

1979 and 1980 have become redundant. We are, therefore, of the view that no enforceable right to regularisation was made out which could be enforced by issuance of a direction by the Tribunal.

9. We, therefore, do not find any infirmity in the order dated 15.05.2025 passed by the Tribunal in O.A. No. 4 of 2021, rejecting the petitioners' claim, requiring interference by this Court in exercise of extraordinary and discretionary jurisdiction under Article 226 of the Constitution of India.
10. The Writ Petition is dismissed.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)