
(2019) 01 CAL CK 0009
In the Calcutta High Court
Case No : Temporary Number No. 1 Of 2019

Shri Uttam Shil @ Uttam Seal & Ors

APPELLANT

Vs

Lieutenant Governor & Ors

RESPONDENT

Date of Decision : 03-01-2019

Acts Referred:

Andaman And Nicobar Islands Home Guards Regulation, 1964 — Rule 4(1)

Citation : (2019) 01 CAL CK 0009

Hon'ble Judges : Arijit Banerjee, J

Bench : Single Bench

Advocate : P.C. Das, Rajarshi Halder, Chirantan Sarkar

Final Decision : Disposed Off

Judgement

Affidavit-of-service filed in Court today be kept with the record.

The petitioners have been working as Home Guard Volunteer appointed by the office of the Commandant, Home Guard Organization A&N Islands from 2005. From time to time their appointment was extended. Finally vide order No.1743 dated 28th December, 2015, the petitioners were enrolled as Home Guard Volunteer under Rule 4(1) of the Andaman and Nicobar Islands Home Guards Regulation 1964, for a period of three years from the date of reporting to duty. The three years period for petitioner Nos. 1 and 2 expired on 31st December, 2018 and learned counsel for the administration submits that they have already been discharged in terms of their appointment letter. The petitioner No.3 is due to be discharged today.

The grievance of the petitioners is that although they have been working for the last 13 years, their case for regularization has not been considered in terms of the scheme framed by the administration vide notification dated 11th October, 2011. All that the petitioners pray is that their case for regularization should be considered by the authorities.

While I am conscious that the petitioners do not have any right to be regularized,

in view of the fact that they have been admittedly serving the administration for the last 13 years and their services have been utilized by the administration profitably, I am of the opinion that their case for regularization should at least be considered by the authorities in terms of the 2011 scheme.

Accordingly, notwithstanding that the petitioner Nos. 1 and 2 were discharged on 31st December, 2018 and the petitioner No.3 is due to be discharged today i.e. 3rd January, 2019, I direct the Chief Secretary, Andaman & Nicobar Administration, Port Blair, being the respondent No.2 to consider the case for regularization of the petitioners in terms of the 2011 scheme and any other relevant notifications and pass a reasoned order within a period of four weeks from the date of communication of this order, after giving an opportunity of hearing to any one of the petitioners or their authorized representatives. The order so passed shall be communicated to the petitioners within a week from the date of the order. If the respondent No.2 is otherwise satisfied that the petitioners should be regularized, the fact that they have been discharged in the meantime shall not stand in the way of such regularization. It is expected that the respondent No.2 shall deal with the case of the petitioners sympathetically. I further clarify that although the petitioners might have stood discharged, the administration will be at liberty to commission their services, if so necessary.

I have not gone into the merits of the petitioners' claim. It will be open to the respondent No.2 to take an informed decision in accordance with law.

Since no affidavit-in-opposition has been invited, the allegations contained in the writ petition are deemed not to be admitted.

AST 1 of 2019 is, accordingly, disposed of.

There will be no order as to costs.

Urgent certified copy of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.