

PETITIONER:
KARUNA LAHIRI

Vs.

RESPONDENT:
GAUTAM KUMAR CHAKRABORTY & ORS.

DATE OF JUDGMENT 07/12/1995

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
HANSARIA B.L. (J)

CITATION:
1996 SCC (7) 182 1995 SCALE (7) 354

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

Leave granted.

It is rather unfortunate that the Law Department of the Orissa State is functioning in unsatisfactory way. It is reflected in this case also. This is one of the three cases which have come up before this Court relating to service matter. Other Departments, look for guidance from Law Department. Instead of becoming a model functionary, its officers indulge in litigating their own cases because of their back-door entry into service.

The appellant claims to have been appointed on ad hoc basis by proceedings dated October 26, 1990. Gautam Kumar Chakraborty, the first respondent and the appellant had joined the Department on January 27, 1986. The Committee constituted for their selection, found the first respondent to be number one and the appellant as number 3 in the list. Admittedly, regular appointments are subject to confirmation by the Orissa Public Service Commission. Instead of sending the names to the Commission for consideration, the Minister recommended for appointment of the appellant. The first respondent naturally had approached the Tribunal staking his claim for confirmation. The Tribunal directed the Government to refer to the matter, in terms of the Rules, to the Commission which after considering the respective merits of all the candidates had selected D. Mullick as number 1, B.N. Sahoo as number 2, appellant as number 3 and Gautam Kumar Chakraborty as number 4 and recommended for appointment. Consequently, the application of the respondent was disposed of. Feeling aggrieved by the order of the Tribunal passed on August 27, 1993 in O.A. No.631 of 1992, this appeal by special leave has been filed. In the face of these facts, there is no chance for the appellant to argue on merits.

Shri N.K. Sharma, the learned counsel appearing for the appellant, realising the insurmountable difficulty in the way, contended that the remarks made by the Tribunal would be construed to be adverse to the appellant for her future

prospects. We find that there is no justification for such an apprehension. The Tribunal quite rightly had pointed out the sad way in which the Law Department works. The claims would be considered only according to rules de hors any adverse remark.

We do not find it a fit case for interference. The appeal is accordingly dismissed. No costs.

JUDIS