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06.04.2021.
d.p.

**W.P.A 30535 of 2014
IA No.CAN 1 of 2020
(Old No. CAN 1425 of 2020)
CAN 2 of 2020
(Old No. CAN 1426 of 2020)
(Via Video Conference)**

**Biplab Ghosh
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Sanjoy Bose,
Mr. P. Basu Mallick.
...For the Petitioner.**

**Mr. Arijit Dey.
...For the BMC.**

Re: CAN 1 of 2020 and CAN 2 of 2020.

An application has been filed for recalling the order dated 30th November, 2017 dismissing the writ petition for default.

The application for restoration was filed at a delayed date and accordingly, a further application praying for condonation of delay in filing the application for recalling has also been filed along with the same.

I have perused both the applications and being satisfied with the causes shown, recall the order dated 30th November, 2017.

Both the applications being CAN 1 of 2020 and CAN 2 of 2020 are allowed.

WPA 30535 of 2014 is restored to its original file and number.

Re: WPA 30535 of 2014

The petitioner prays for pay protection. The petitioner is an employee of the Kolkata Municipal Corporation and his grievance is that his juniors are getting higher pay than him.

The petitioner has filed a representation before the respondent authorities on 6th June, 2013. He alleges that the said representation has not been considered by the respondent authorities till date.

As it appears that the prayer of the petitioner praying for pay protection is pending consideration at the end of the respondent authorities, no useful purpose will be served by keeping the writ petition pending.

In view of the above, the instant writ petition is disposed of by directing the respondent No.1 being the Kolkata Municipal Corporation to consider the representation filed by the petitioner on 6th June, 2013, strictly in accordance with law, after giving an opportunity of hearing to the petitioner within a period of twelve weeks from the date of communication of a copy of this order.

The said respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

It is made clear that this Court has not gone into the merits of the claim raised by the petitioner and all

points are left open to be decided by the said respondent at the time of consideration of the representation of the petitioner.

WPA 30535 of 2014 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)