

WPA 8412 of 2020

**Binod Prasad Dubey & Anr.
Vs.
The State of West Bengal & Ors.**

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Mr. Debabrata Saha Roy
Mr. Falguni Bandyopadhyay
... For the Petitioners

Mr. Joydeep Kar
Ms. Chaitali Bhattacharya
... For the Purulia Zilla Parishad

Mr. Arjun Roy Mukherjee
Ms. Nibedita Barui
... For the State

The petitioner no. 1 was engaged as a “Road Roller Driver” under Purulia Zilla Parishad in the year 1988 and the petitioner no. 2 was appointed as a “Road Roller Driver” in the year 1990 on casual basis.

The petitioners pray for regularization of their service. According to the petitioners the State Government adopted a scheme for regularization of casual employees by a Notification published on 8th October, 2003.

The petitioners submit that several Group-D employees have been regularised on the basis of the said scheme. The petitioners pray for similar relief.

The learned advocates appearing on behalf of the respondent Purulia Zilla Parishad and the State unanimously submit that the scheme which was published in the year 2003 was prior to the order passed by the Hon’ble Supreme Court in the matter of State of Karnataka Vs. Uma Devi, reported in (2006) 4 SCC 1, wherein the prayer for regularization of temporary/casual

employees have been rejected by the Court. It has been submitted that after the order was passed by the Hon'ble Supreme Court in the matter of Uma Devi (supra), the Notification relied upon by the petitioners loses its force. The same cannot be made applicable in favour of the petitioners in 2020.

It appears from the annexures of the writ petition that the petitioners approached the authority by filing a representation dated 6th July, 2020 praying for regularization of their service. The same is pending consideration till date.

As the representation filed by the petitioners is pending for consideration at the end of the authority, no useful purpose would be served by keeping this writ petition pending.

The same is accordingly disposed of by directing the respondent no. 5, the District Magistrate, Purulia to take a decision with regard to the representation made by the petitioners, strictly in accordance with law, within a period of eight 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 petitioners immediately thereafter.

It is made clear that this Court has not gone into the merits of the claim of the petitioners and all points are left open to be decided by the said respondent at the time of consideration of their representation.

WPA 8412 of 2020 is disposed of.

Affidavit of service filed in court be kept with the record.

The writ petition has been filed by two petitioners depositing only one court fees. Leave is granted to the learned advocate on record for

the petitioners to deposit the deficit court fees in respect of one petitioner in course of today. In default, the order passed in the instant writ petition shall be restricted only in respect of the petitioner no. 1 and the writ petition shall be deemed to be dismissed in respect of the other.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

(Amrita Sinha, J.)