

09.12.2020

Ct. No. 24

Item No.34

pk.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA No. 8641 of 2020

Utpal Chakraborty

-vs-

The State of West Bengal & Ors.

Mr. Mrinmoy Bhattacharyya,
Mr. N. C. Dey for the petitioner

The service of the petitioner as Data Entry Operator on contractual basis has been terminated by the Chief Medical Officer of Health and Secretary of the District Health & Family Welfare Samity, Murshidabad by a Memo dated 6th March 2020. The petitioner is aggrieved by the same.

The petitioner submits that the termination is stigmatic and no disciplinary proceeding was initiated against him. Neither any enquiry conducted prior to termination of his service.

The petitioner prays for re-instatement in service.

None appears on behalf of the State respondents despite service.

Upon perusal of the letter of termination appearing at page 24 of the writ petition it appears that the petitioner was appointed on contractual basis and his performance was reviewed by the Chief Medical Officer of Health, Murshidabad. It was found that the duties assigned to

him were not being done properly. There was huge back log of data entry in the Egiye Bangla Maa-O-Shishu portal and other reports were also not uploaded by the petitioner in different web portals. The petitioner was directed on several occasions to improve his attendance timing and to perform his duties properly. There were reports of gross misbehavior against the petitioner.

The petitioner being a contractual employee is not entitled to the benefit of a regular disciplinary proceeding being initiated against him prior to termination of his service. A contractual employee does not stand at par with the service benefits available to a permanent employee.

It appears that the service of the petitioner has been terminated for gross misbehavior and poor performance. The action of the respondents cannot be faulted. The respondents are not obliged to hold on to an employee who is not giving proper service to the government. No relief can be granted to the petitioner in the instant case.

The writ petition stands dismissed.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)