

WPA 10963 of 2020

**Abdul Gofur Shaikh
Vs.
The State of West Bengal & Ors.**

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Sm. Samim Ullah
... For the Petitioner

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

The petitioner was engaged as a Civic Police Volunteer under the Raghunathganj Police Station in October 2013.

According to the petitioner, he rendered his service till 14th March 2014. The petitioner submits that his mother was seriously ill and for her treatment from 15th March, 2014 to 18th March, 2014 he could not join his service for three days. Thereafter when the petitioner went to rejoin his duty the Inspector-in-Charge of Raghunathganj Police Station restrained him from doing so.

The petitioner submits that he thereafter filed representations before the Superintendent of Police on 19th March 2014, 10th January 2015, 15th January 2018 and thereafter on 25th February 2020.

The petitioner prays for a direction upon the Superintendent of Police, Murshidabad to consider his prayer for reinstatement.

The petitioner submits that no formal disciplinary proceeding was initiated against him nor any letter of termination was served upon him.

The petitioner relies upon orders passed by coordinate benches of this Court in similar type

of matters.

None appears on behalf of the respondents, despite service.

From the averments and the documents annexed to the writ petition it appears that the petitioner last attended his duty on 14th March, 2014 and he was allegedly restrained to resume his duty on 19th March, 2014.

Though the petitioner alleges that he made representations to the Superintendent of Police on 19th March 2014, 10th January 2015 and 15th January 2018 but there is nothing on record to show that the aforesaid representations were actually served upon the Superintendent, as alleged. The first letter bearing proof of service to the Superintendent of Police is dated 25th February, 2020.

The petitioner appears to have remained silent from 19th March, 2014 till 24th February 2020.

With regard to the submission of the petitioner that no formal disciplinary proceeding was initiated against him, it has to be kept in mind that service of the petitioner was contractual in nature. The petitioner is not entitled to the benefits as available to a permanent employee. The representation has been filed by the petitioner at an extremely belated stage. No legal right of the petitioner appears to have been infringed. I do not find any reason to entertain the prayer of the petitioner.

The writ petition accordingly fails and is hereby dismissed.

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

(Amrita Sinha, J.)

