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11.03.2020
Court No.2
DC

CIRCUIT BENCH OF
CALCUTTA HIGH COURT
AT JALPAIGURI
APPELLATE SIDE

WPA 601 of 2020

Bhabesh Chandra Barman
Vs.
Union of India & Ors.

Mr. Subhasish Misra.....for petitioner

It appears that the writ petition was served on one Mr. Samir Paul, Senior Counsel-Group-I, Union of India, High Court at Calcutta Circuit Bench at Jalpaiguri on or about 24-02-2020. Mr. Samir Paul is present in Court and he submits that he has not being formally engaged in the matter though the copy of the communication along with the copy of the writ petition has been sent to the concerned department. In absence of such formal appointment, he is unable to represent the Union of India.

The writ petitioner says that he is working as a casual employee under the ministry of Youth Affairs and Sports, Government of India for last several years and is therefore, required to be regularised. Though he is performing the job that is done by the regular employees, he is not being given equal pay. The regularization of a contractual labour has been

streamlined by the Hon'ble Supreme Court on several of its judgements which have been followed by this Court. So far as equal pay is concerned, the Hon'ble Supreme Court has also passed judgements which have also been followed by this Court.

Considering this aspect, I direct the Principal Secretary, Department of Youth Affairs and Sports, being the respondent No. 1 herein to consider the petitioner's case treating the writ petition as a representation and pass a reasoned order, if necessary, by giving the petitioner a personal hearing on the point of regularization and equal pay.

The said respondent No. 1 shall pass a reasoned order preferably within a period of six months from date but not later than nine months from the date of communication of this order.

The writ petition is disposed of accordingly.

Urgent certified Photostat copy of this order, if applied for, be supplied to the parties upon observance of usual formalities.

(Arindam Mukherjee, J.)