

4.8.2021
Court No. 19
Item no.9
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WPA No. 4681 of 2021

MD. SHAMIM AFZAL VS. WEST BENGAL
MUNICIPAL SERVICE COMMISSION & ORS.
(via video conference)

Mr. Arkaprava Sen
Mr. Subhankar Das
Mr. Rahul Kumar Sing
...for the petitioner

Mr. Alok Kumar Ghosh
Mr. Arijit Dey
..for the K.M.C.

Ms. Chama Mukherjee
Ms. Monika Pandit
..for the State

Ms. Koyeli Bhattacharya
..for the Municipal Service Commission

The petitioner has challenged an advertisement No. 09 of 2020 issued by the West Bengal Municipal Service Commission for filling up certain posts in the slaughterhouse run by the Kolkata Municipal Corporation.

It is informed that the recruitment process has been completed during the pendency of the writ petition.

The petitioner now submits that the petitioner may be granted liberty to make an innocuous prayer before the competent authority of the Kolkata Municipal Corporation for absorption of the petitioner on contractual basis up to the attainment of age of 60 years in terms of the policy of the Finance Department of the Government of West

Bengal dated July 15, 2019. The petitioner submits that the petitioner has rendered uninterrupted service in the slaughter house of the Corporation as a Molla for more than 12 years and the petitioner may be allowed to continue in service on contractual basis upto 60 years. It is contended by the petitioner that several departments of the government have accepted such policy and have allowed similarly situated persons to continue up to the age of 60 years with category-wise remuneration and payment of a lumpsum amount on the retirement.

The petitioner prays that his case may be considered sympathetically in the light of the same policy of the government.

Mr. Ghosh, learned Advocate appearing for the K.M.C. submits that although the policy of the State Government is not binding on the Corporation, however, the petitioner's representation shall be considered in accordance with law.

Under such circumstances, this writ petition is disposed of with liberty to the petitioner to approach the Commissioner of the Kolkata Municipal Corporation. The said authority or any competent authority shall decide the question of absorption of the petitioner in accordance with law on the basis of the memoranda issued by the Finance Department,

Government of West Bengal upon taking a sympathetic view.

The appropriate authority of the Corporation shall dispose of the representation of the petitioner upon granting him an opportunity of being heard within a period of eight weeks from the date of receipt of the representation.

It is made clear that a reasoned order shall be passed and communicated to the petitioner within the aforesaid time mentioned hereinabove.

This writ petition is thus disposed of.

There will be however no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)