

29/01/2021
Item No. 66 DL
Court No.6
S. DE

Through Video Conference

W.P.A. 4651 of 2020

Sk. Liakat Ali.

-Vs-

State of West Bengal & Ors.

with

I.A. No. CAN /1/2020

I.A. No. CAN/2/2020

(Both CANs not found)

Mr. Shuvro Prokash Lahiri

...for the petitioner

Mr. Amitava Chaudhuri

Mr. M. Chaudhuri

Mr. N. Roy

...for the college.

The respondent no.3, college is a fully government aided college. The petitioner was appointed as a casual worker in the Group-D category by the college in 2008. At that point of time, he used to draw a salary of rupees one hundred per day.

Learned advocate appearing for the petitioner submits that as of present, the petitioner is drawing about rupees six thousand per month. He submits that firstly, given the enhanced cost of living, rupees six thousand is a pittance on which the petitioner and his family can hardly survive. Secondly, the casual workers in all government establishments are drawing a minimum of rupees sixteen thousand five hundred per month as per applicable Government Circulars.

The petitioner prays for pay parity and his only prayer is that his pay should be at par with the pay of casual workers in other Government institutions.

I have heard Mr. Lahiri, learned advocate for the petitioner and Mr. Chaudhuri for the respondent nos.3, 4 and 5.

Mr. Lahiri has relied on the decision of the Hon'ble Supreme Court in the case of **State of Punjab and Others Versus Jagjit Singh and Others** reported in **(2017) 1 Supreme Court Cases 148** in support of his submission that in whatever manner a casual worker may have been initially appointed by an establishment, he is entitled to the minimum pay protection.

Having considered the facts and circumstances of the case, in my opinion it would be appropriate for some high official in the Government to consider the petitioner's case on the basis of the relevant Government Circulars/Notifications/Memoranda.

I direct the second respondent to treat the petitioner's case in the writ petition as a representation and take a reasoned decision thereon in accordance with the applicable rules /regulations/circulars/notifications within a period of six weeks from the date of receipt of a copy of this order along with a copy of the writ petition after giving an opportunity of hearing to the petitioner and the

respondent, college authorities. The decision so taken shall be communicated to the parties within one week from the date of the decision.

The petitioner shall be entitled to rely on judicial precedents at the hearing before the second respondent.

I have not gone into the merits of the petitioner's case. The second respondent shall take an informed decision in the matter in accordance with the law. I may only add that the second respondent may consider the petitioner's case sympathetically.

Since I have not called for affidavits, the allegations contained in the writ petition are deemed not be admitted by the respondents.

W.P.A. 4651 of 2020 is, accordingly disposed of along with the connected applications.

The parties shall act on the basis of a server copy of this order.

There will be no order as to costs.

Urgent certified copy of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Arijit Banerjee, J.)

