

08.04.2021

Ct. No.13

Sl. No.326

akd

W.P.A. 4850 of 2020 [via video conference]

[Sajit Ali -Vs- State of West Bengal & Ors.]

Ms. Reshmi Ghosh

Mr. Koustav Bagchi

Mr. Debayan Ghosh

... .. for the petitioner

Mr. Swapan Kumar Datta

Mr. Dipankar Das Gupta

... .. for the State

The petitioner claims to have been engaged as Pump Operator for cleaning and/or mopping and/or electrical work at Islampur Rural Hospital, Islampur Chak Gram Block, Murshidabad. The petitioner was not functioning on a full time basis. Admittedly, he was working as work charged employee for a limited period on a designated day.

The petitioner relies upon a certificate issued by the official of the concerned hospital in the year 2013 certifying that he is engaged since 2008. The authority of the person concerned issuing such certificate is questionable. The certificate does not indicate as to how long the petitioner was engaged and for what period and for what specific purpose.

Be that as it may, the petitioner places reliance upon a Memorandum of the State Government dated 15th July, 2019 and submits that he is entitled to be treated similarly to the beneficiaries of the said circular. He further claims that he is entitled to claim for equal pay for equal work.

The prayer of the petitioner is opposed by Mr. Swapan Kumar Datta, learned counsel appearing for the State.

It appears from the Memorandum dated 15th July, 2019 that the same was issued to utilise persons who were engaged by Companies, Corporation, Undertakings, Statutory Bodies etc. wholly or partially controlled by the Government of West Bengal that were restructured and/or wound up. The petitioner admittedly, does not belong to such category.

Hence, the prayer of the petitioner that he should get the same benefit extended to the beneficiaries of the Memorandum dated 15th July, 2019 cannot be sustained.

Reliance placed on the decision of the Hon'ble Supreme Court in the case of ***State of Punjab vs. Jagjit Singh & Ors.*** reported in ***(2017) 1 SCC 148***, by the learned counsel for the petitioner, is misplaced.

Accordingly, the writ petition must fail and is hereby dismissed.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Rajasekhar Mantha, J.)