

S/L 8  
09.08.2021  
Court. No. 19  
GB

W.P.A. 9268 of 2021

Nikhil Kumar Mandal  
VS  
The Uluberia Municipality & Ors.

(Through Video Conference)

*Mr. Partha Sarkar.*

*...for the Petitioner.*

*Mr. Gobinda Chandra Bandyopadhyay.*

*...for the Uluberia Municipality.*

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

The petitioner is a retired employee of Uluberia Municipality. He claims to have been appointed sometime in the year 1987. He retired from service while serving in the post of Sub-Assistant Engineer, that is, after 32 years of service. The date of retirement was May 31, 2019.

The petitioner alleges non-grant of Career Advancement Scheme (CAS) benefit for 10 and 20 years of service and arrear salary for the month of April, 2019 and May, 2019.

It is the contention of the learned advocate for the petitioner that similarly situated persons like the petitioner have been getting the benefit of the said scheme.

Mr. Bandyopadhyay, learned advocate appearing on behalf of the municipality submits that the petitioner was appointed in the CUDP Scheme-III and as such the

petitioner was not entitled to get the benefit of G.O. No.412(126)/MA/O/C-4/2P-1/2006 dated August 23, 2006. It is further contended that as the Director of local bodies did not release the funds for payment of salary for non-permanent employees like the petitioner, the salary for the month of April, 2019 and May, 2019, was not paid. It is further submitted that the salary, which was paid to the petitioner earlier, was out of the funds of the municipality and as the municipality's funds were exhausted, the payment could not be made to the petitioner. He submitted that unless the Director of local bodies allows the payment for the month of April and May, 2019, the municipality would not be in a position to make the payment.

Having heard the contentions of the parties, this writ petition is disposed of with a direction upon the Chairperson, Board of Administrators, Uluberia Municipality to dispose of the contentions of the petitioner with regard to the payment of Career Advancement Scheme (CAS) benefit in accordance with law upon hearing the petitioner. A reasoned order shall be passed and communicated to the petitioner.

It is observed here that if the municipality has utilized the services of the petitioner for months of April, 2019 and May, 2019, there cannot be any reason for not releasing salaries for those two months. Even if, the contention of the municipality is correct to the extent that the petitioner's appointment was not on permanent basis and ended when the particular scheme had ceased to exist, yet the

municipality allowed the petitioner to continue in service for 32 years and there is no valid reason why the salary for April, 2019 and May, 2019 cannot be disbursed. The municipality should take immediate action with regard to the disbursement of salaries for April, 2019 and May, 2019, if the petitioner has attended his duties during such period. If the payment cannot be made reasons shall be disclosed.

The entire exercise shall be completed within a period of eight weeks from date of communication of this order.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

**(Shampa Sarkar, J.)**