

24.06.2021
Court No. 19
Item no.30
CP

WPA 10702 of 2021

Dr. Sanjib Kumar Das
vs.
The State of West Bengal & anr.

(via video conference)

Mr. S. Laskar
Mr. Munshi Ashiq Elahi

....for the petitioner.

Mr. Raja Saha
Mr. Amit Kumar Ghosh

.....for the State.

This writ petition has been filed challenging an order passed by the Project Director, Water Resources Investigation & Development Department under the WBADMI Project. A reasoned order was passed pursuant to a direction of this court in WPA No. 10369 of 2020. The petitioner has been in contractual service in the said project. The contract of the petitioner has been renewed from time to time. As per the order of the authority which is under challenge before this court, the authority was willing to re-engage the petitioner as an Environment Specialist upto June, 2021 with a further clause that the same may be extended if the petitioner's request for such extension. The petitioner was directed to be engaged in Jalpaiguri and Alipurduar districts for execution of environment related works in the reserve

forests areas. The order also mentions that his projects were likely to be completed by May 2021. The petitioner was directed to give his willingness in writing to join as per the order passed on January 27, 2021. The petitioner did not give such willingness. It is also not known whether the projects are continuing in Jalpaiguri and Alipurduar districts. Although it is the case of the petitioner that the projects are not complete. The petitioner now prays before this court that he would be willing to join as per the directions of the Project Director at the location specified in the order.

Mr. Saha, learned advocate for the respondents, submits that the petitioner did not exercise willingness and, as such, the formal offer letter could not be issued after a lapse of six months.

Under such circumstances, the writ petition is disposed of without any order as prayed for.

The petitioner will be at liberty to apply before the Project Director, WBADMI Project expressing his willingness to join as per the order impugned before this court. The Project Director shall consider the same in accordance with law and in accordance with the prevailing situation because from the order it appears that the projects going on in Jalpaiguri and Alipurduar districts may have already come to an end.

The Project Director will decide the issue independently without being influenced by any observation made hereinabove. The order impugned is not interfered with. The decision shall be communicated to the petitioner within a week from receiving the willingness application of the petitioner.

With the above observations, this writ petition is disposed of. There shall be no order as to costs.

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

(Shampa Sarkar, J.)