

15 08.04.2021
AN Ct. No. 04

FMA 984 of 2019
with
I.A. No. CAN 1 of 2019 (Old No. CAN 10795 of 2019)

Chandan Das
vs.
State of West Bengal & Ors.

Mr. Sukumar Ghosh
Ms. Riya Ghosh

... for appellant petitioner

Ms. Sima Adhikari
Ms. Kakali Naskar

... for State respondent

Supplementary affidavits pursuant to direction in our order dated 15th March, 2021 have been filed by appellant and respondent. The position emerges that appellant writ petitioner had worked in the period following his engagement as civic volunteer on 3rd November, 2013 and was paid accordingly. In July, 2014, he worked for 13 days and thereafter applicant appellant did not report for work. The police administration issued termination order dated 8th March, 2019, text of which is reproduced below:

“... You are hereby informed that as per order of Superintendent of Police. Hooghly Rural Police District vide Org No. – 5554/RO dt – 27.09.18 you are terminated from your job for your long absent without any specific reason.

This is for favour of your kind information.”

Mr. Ghosh, learned advocate appears on behalf

of applicant appellant and submits, the termination order was not served on his client. Ms. Adhikari, learned advocate appears on behalf of respondent and submits, all attempts to serve were without result and hence a diary to that effect was lodged in the police station. Mr. Ghosh submits, his client suffered diabetes preventing him from reporting for duty. Ms. Adhikari submits, long absence made applicant unfit for his service being accepted.

Applicant volunteered to assist the police administration. The police administration accepted applicant's assistance and paid him as and when he rendered it. This can in no way be seen as an appointment on probation awaiting confirmation in service. It transpires that applicant suffered from diabetes which made his appearance for working, irregular.

We intend to dispose of the appeal itself and to that end we have consent of the parties. All formalities are dispensed with. Respondent has appeared and therefore requirement of service of notice of appeal is also dispensed with.

We dispose of this appeal and applications by recording our observation that in event appellant finds fitness and is able to volunteer for work and the police administration requiring volunteers, appellant be considered for engagement.

The appeal and the applications are disposed of.

(Arindam Sinha, J.)

(Suvra Ghosh, J.)