

26.11.2021
Sl. No.25
sn

W.P.A. No. 17300 of 2021
Ms. Nitu Hazra (Mukherjee) & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Sanjay Saha ...for the Petitioners

Mr. Ankit Agarwala
Mr. Niloy Sengupta
Mr. Sujit Banerjee .for the respondent no.5

The petitioners allege that they had not been allowed to work from December 20, 2020 till date. The contention of the petitioners is that the Jhalda municipality has not allowed the petitioners to work as Mazdoor although they were appointed as Mazdoor.

Mr. Agarwala, learned advocate appearing for the respondent no.5 submits that the petitioners were not willing to do the work assigned to them by the municipality.

Mr. Saha, learned advocate for the petitioners submits that the petitioners were appointed and approved as Mazdoor but they were assigned the job as Sweeper.

Mr. Agarwala produces a notification of the Government of West Bengal, Directorate of Local Bodies, from which it appears that the existing posts of Sweeper in the said municipality have been re-designated as Majdoor and as such there cannot be a bar on the municipality to direct the petitioners to do the job of

Sweeper because the petitioners were appointed subsequent to the re-designation of posts.

Having considered the rival contentions of the parties, this writ petition is disposed of by directing the Board of Administrators, Jhalda municipality to allow the petitioners to join forthwith in the posts to which they were appointed. Once they join their duties they shall be allowed to sign the attendance register. The petitioners shall not raise any claim to be treated differently in view of the re-designation of the posts. Regular salary from the date of joining shall be paid to the petitioners. The question of unpaid salary for the period they were allegedly not allowed to work is not decided in this writ petition. The petitioners are at liberty to take appropriate steps by approaching the Director of local bodies for payment of salary. If such approach is made the matter shall be disposed of in accordance with law.

This 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.)