

24.12.2021
Item No.05.
Court No.6.
S. De

Through Video Conference

**M.A.T. 1686 of 2019
I.A. No. CAN/1/2019
(Old No.CAN/12500/2019)
I.A. No. CAN/2/2019
(Old No.CAN/12507/2019)**

Somnath Routh & Ors.

Vs

The Principal Secretary & Ors.

Mr. Lalratan Mondal,
Mr. Avik Kumar Das,
Mr. Dilip Kumar Sadhu,
...for the appellants.
Mr. Subhasis Sarkar,
Mr. S. Bhattacharjee,
...for the respondent nos. 5 to 7.

In re: I.A. No. CAN /2/2019 (Old No.CAN/12507/2019)

This is an application for condonation of delay of 268 days in filing the appeal. Causes shown being sufficient, the delay is condoned.

I.A. No. CAN/2/2019 (Old No.CAN/12507/2019) is disposed of.

In re: I.A. No.CAN/1/2019 (Old No. CAN/12500 /2019)

By consent of the parties, the appeal and the stay application are taken up for hearing together.

The writ petitioners claim to be contractual employees of the Jhargram Municipality. They say that suddenly they were told that their services were no longer required. They were prevented from attending their duties.

Being aggrieved, they approached the learned Single Judge by filing W.P. 27343 (W) of 2015 wherein they also claimed regularization of their services. On the day the writ petition was taken up for hearing, the petitioners could not be represented.

The learned Single Judge recorded the stand of the respondents that the services of the petitioners are no longer required and dismissed the writ petition.

Being aggrieved, the writ petitioners are before us by way of this appeal.

Learned advocate representing the Municipality fairly states that the matter can be sent to the Chairman of the Municipality for taking appropriate decision. Learned advocate for the appellants has no objection to such course of action.

Accordingly, we grant leave to the appellants to make a comprehensive representation to the Chairman, Jhargram Municipality within three weeks from date. If such representation is made, the Chairman of the Municipality, being the respondent no.6, shall take a reasoned decision on such representation, in accordance with law, within a period

of eight weeks from the date of receipt of the representation, after giving an opportunity of hearing to any one of the appellants or their authorized representative. The decision, so taken, shall be communicated to the appellants within a week from the date of the decision.

We have not gone into the merits of the appellants' claim. The respondent no.6 shall take an informed decision in accordance with law.

Since no affidavit has been invited, the allegations contained in the stay petition are deemed not be admitted by the respondents.

The appeal being M.A.T. 1686 of 2019 is disposed of along with the connected application being I.A. No. CAN/1/2019 (Old No.CAN/12500 /2019).

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance with all the necessary formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)