

WPA 8406 of 2020

Manick Seikh & Ors.

Vs.

The State of West Bengal & Ors.

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Mr. Intiaz Ahmed
Sk. Saidullah
Ms. Smita Saha
Mr. Supriya Majumder
Ms. Shaila Afrin
Ms. Arunima Mukhopadhyay
Mr. Debopam Roy
... For the Petitioners

Mr. Joytosh Majumder, Ld. G.P
Mr. Raja Saha
Mr. Biswabrata Basu Mallick
... For the State

Mr. Debu Chaudhury
... For Union of India

The petitioners are the Constables in the Kolkata Police. They are Ex-servicemen and have been appointed on contractual basis for a period of one year, subject to the terms and conditions as mentioned in their letter of appointment.

The period of contract of the petitioners have been extended from time to time.

Presently, the petitioners pray equal pay for equal work performed by them.

The petitioners rely upon a letter dated 31st May, 2019 issued by the Commissioner of Police, Kolkata to the Additional Chief Secretary, Home & Hill Affairs Department, whereby a proposal was made for according administrative approval towards enhancement in the consolidated monthly remuneration of the Ex-servicemen engaged against the existing vacancy in the rank of Constable under Kolkata Police.

The petitioners pray for consideration of their prayer for enhancement of their monthly remuneration.

Though the petitioners have made a prayer in the writ petition for regularization of their service but at the time of hearing of the writ petition the said prayer has not been pressed by them.

Learned Government Pleader appearing on behalf of the State respondents submits that the petitioners are contractual employees and their service conditions are regulated in accordance with the terms and conditions mentioned in their letter of appointment.

As it appears that a proposal has already been forwarded by the Commissioner of Police, Kolkata to the Additional Chief Secretary, Home & Hill Affairs Department, this Court thinks it fit to remand the matter back to the respondent authority for taking a decision in the matter.

In view of the above, the instant writ petition is disposed of by directing the respondent no. 3 being the Additional Chief Secretary, Home & Hill Affairs Department to consider the proposal forwarded by the Commissioner of Police, Kolkata by letter dated 31st May, 2019.

The said respondent shall pass a reasoned order within a period of five months from the date of communication of this order and communicate the same to the learned advocate on record of the petitioners immediately thereafter.

It is made clear that this Court has not gone into the merits of the claim of the petitioners and all points are left open to be decided by the said respondent at the time of consideration of the proposal forwarded by the Commissioner of Police.

WPA 8406 of 2020 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

(Amrita Sinha, J.)