

25.3.2021

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Circuit Bench of Calcutta High Court
At Jalpaiguri

WPA 624 of 2021

Soma Chakraborty

Vs.

The State of West Bengal & Ors.

Mr. Debajit Kundu,

...for the Petitioner.

Mr. Bikramaditya Ghosh,

Ms. Bedashruti Bose

... For the State.

Mr. Momenur Rahman

... For the Respondent No.8.

Parties are represented by the learned Advocate, names of whom, are shown above at the beginning of this order sheets.

The principal grievance of the writ petitioner is that after being appointed by the Secretary, Indian Red Cross Society, Jalpaiguri District Branch, the petitioner performed his service since 10th August, 2011 till 26th February, 2020 in the capacity of Rogi Sahayak and received remuneration therefor. During the course of employment, there was some strange relationship developed, with employer in consequence of some episode, and such event was taken up at the District level for adequate redressal.

Since the writ petitioner was in need of some leave for visiting his old ailing parents, he left the station

temporarily for the purpose, and proceeded to join his post on 9th March, 2020 upon returning from his native, but the writ petitioner could not be allowed to join putting up resistance by the staff of the Indian Red Cross Society, Jalpaiguri.

Mr. Debajit Kundu, learned Advocate for the petitioner submits that the writ petitioner could not be allowed to resume his function on the pretext of submitting a resignation by the writ petitioner himself, which the writ petitioner strongly disputes at the moment. Several representations have been submitted by the writ petitioner and lastly on 19th October, 2020, which according to the writ petitioner has not been considered in its proper perspective.

Mr. Momenur Rahman, learned Advocate representing the Red Cross Society submits that on the strength of communication made by the SDO, Jalpaiguri dated 4th February, 2021, reply has been given intimating that no vacancy was there to suitably employ the writ petitioner even after tendering his resignation.

The point is, thus very simple and short that the last representation submitted on 19th October, 2020, has not been considered providing the writ petitioner an opportunity of hearing for the purpose.

Having considered the submission of both sides, the court is of the view that the respondents, in

particular the respondent Nos. 5 and 8 are directed to consider the last representation of the writ petitioner dated 19th October, 2020 upon sitting together on a suitable date to be fixed by the respondents providing sufficient opportunity of hearing to the writ petitioner.

It is clarified that upon hearing the writ petitioner or his authorized representative, the representation of the petitioner may be disposed of recording a reasoned order supplying a copy of the same to the writ petitioner within fortnight thereafter.

Such exercise, in all fairness has to be completed within three months from the date of communication of this order.

Since no affidavit has been called for, the allegation raised in the writ petition shall be deemed to have not been admitted by State respondents including Red Cross/Respondents.

With this observation and direction, the writ petition is disposed of.

However, there shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Subhasis Dasgupta, J.)

