

30.03.2022
Court No. 19
Item No.27
sn

WPA 1094 of 2022

Biju Das
Vs.
State of West Bengal & ors.

Mr. Probal Sarkarfor the petitioner

Ms.Sutapa Sanyal
Ms. Susnita Saha ..for the State

Mr. Arindam Das
Ms. Rumeli Sarkar ..for the municipality

The petitioner prays for implementation of the order passed by the Administrator, Berhampore municipality dated December 20, 2019. The petitioner was engaged as a casual worker by way of a private arrangement, by the Berhampore municipality some time in 1989. Thereafter, the petitioner's service was discontinued for some time. The petitioner was again engaged some time in 2003, by then Chairman of the said municipality.

The petitioner was aggrieved by the inaction on the part of the state authorities in regularizing his appointment. A writ petition being W.P.19136(W) of 2019 was filed. The said writ petition was disposed of by this Court with a direction upon the Administrator, Berhampore municipality to consider the petitioner's representation, seeking regularization. Pursuant to the order of this Court, the order dated December 20, 2019 has been passed.

The Administrator of Berhampore municipality was of the opinion that, in case of increase in the sanctioned staff strength of the municipality, there would be no problem in regularizing the petitioner.

The order passed with such proposal was also forwarded to the Director of Local Bodies, Government of West Bengal. The allegation is that the Director of Local Bodies, Government of West Bengal, received such proposal, but did not take any steps for regularization.

Ms. Sanyal and Mr. Das, learned advocate appearing on behalf of the State respondents and the municipality, respectively, submit that the petitioner does not have any right of regularization as the petitioner was neither engaged against a sanctioned post, nor through a recruitment process.

Without going into the merits of the claims and counter claims of the parties, this writ petition is disposed of with a direction upon the Director of Local Bodies, Government of West Bengal, to intimate the petitioner about the fate of the proposal sent by the Administrator, Berhampore municipality, within a period of two months from the date of communication of this order.

As no affidavit in opposition has been called for, the allegations contained in the writ petition are deemed to have been denied by the respondents.

Needless to mention, a reasoned order shall be passed and communicated to the petitioner within the aforementioned period.

This writ petition is disposed of.

There will be, however, no order as to costs.

All parties are directed to act on the basis of server copy of this order and/or the learned advocate's communication.

(Shampa Sarkar, J.)