

Item No. 14

25.07.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 1765 of 2021
Ratan Bauri & Ors.
v.
State of West Bengal & Ors.

Mr. A. Prasad
Mr. Jahanara Bugum
... for the petitioners.

Mr. Sougata Mitra
Ms. Ankita Dey
... for the Municipality.

Mr. Chandid Charan De
Mr. Anirban Sarkar
... for the State.

The petitioners seek benefits in terms of the Order No. 162/MA/O/C-9/2A-1/2010 dated April 23, 2010 issued by the Special Secretary, Department of Municipal Affairs whereby certain benefits have been extended in favour of the casual/daily rated workers engaged with the various Urban Local Bodies for not less than ten years as on April 1, 2010 and have rendered service for at least 240 days each year.

The petitioners are the casual employees of the Purulia Municipality. They claim that they are in service for more than ten years and have rendered more than 240 days service in each year.

According to the petitioners they are entitled to the benefits as mentioned in the order dated April 23, 2010.

The petitioners applied before the Purulia Municipality with their prayers. The Municipality duly forwarded the representation of the petitioners to the Director of Local Bodies in the year 2015 and thereafter in the year 2018.

It is the submission of the petitioners as well as the Municipality that the representations have remained unanswered till date.

The petitioners rely upon an unreported order dated November 26, 2019 passed in W.P. 21430(W) of 2019 in the matter of Arun Sinha Roy & Ors. v. The State of West Bengal & Ors., wherein under similar circumstances, the Court directed the Principal Secretary, Department of Urban Development and Municipal Affairs to consider the issue and to take a decision as to whether the financial benefits can be made applicable to the casual employees of the Municipality.

In the present case, the representation has been forwarded by the Municipality to the Joint Secretary, Department of Urban Development and Municipal Affairs way back in 2018 and the same has remained unanswered.

In view of the above, the instant writ petition is disposed of by directing the Principal Secretary, Municipal Affairs Department to take a decision with regard to the prayer of the petitioners duly forwarded by the Municipality and to pass an order as to whether the benefits claimed by the petitioners may be granted in their favour or not.

A decision shall be taken in the matter by the Principal Secretary in accordance with law, at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order. The reasoned order shall be communicated to the petitioners immediately thereafter.

The aforesaid respondent shall afford an opportunity of hearing to the petitioners or their authorized representatives prior to taking a decision in the matter.

The learned advocate for the petitioners is directed to forward a copy of the order of the Municipal Affairs Department dated 23rd April, 2010 relied upon by them and the copy of their representation as well as the forwarding letters of the Municipality to the aforesaid respondent at the time of communicating the order of this Court.

The writ petition stands disposed of.

Affidavit-of-service filed in Court today is taken on record.

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

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(Amrita Sinha, J.)