

14.03.2022
Item No.8.
Court No.6.
AB

M.A.T. 326 of 2022
With
I A CAN 1 of 2022

Gopal Bhattacharjee & Others

Vs

Saikh Mokbul Alam & Others

Md. Sarwar Jahan,
Mr. Maidul Islam Kayal,
Mr. Binay Shaw ...for the Appellants.

Mr. Lalit Mohan Mahata,
Mr. Prasanta Behari Mahata....for the State.

Mr. Apurba Kr. Datta,
Mr. Subhajit Panja,
Mr. Saktidhar Dasfor the Respondent No.1.

Mr. Sudip Ghosh Chaudhury
....for the Respondent No.3 to 5.

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

This appeal has been preferred against an interim order dated April 8, 2021. By the impugned order, the learned Judge stayed the engagement of the respondent nos.7 to 11 in the writ petition, who are the appellants before us, as casual labour.

The learned Judge has based the order on a report of the Deputy Registrar of Cooperative Society, Hooghly Range, dated July 28, 2020, to the effect that

recruitment of five casual staff being the appellants before us was done without following the applicable Rules.

It was further recorded by the learned Judge that the Deputy Registrar has noted in his report that the recruitment and the posts were not approved at the Annual General Meeting of the Society and notice of recruitment was not published suitably.

Almost one year has gone by after the impugned order was passed. The appeal has been filed only in March, 2022. We are of the view that the appellants should have approached the learned Single Judge rather than approaching us after such a long lapse of time.

The respondents in the writ petition shall be at liberty to file affidavits-in-opposition to the writ petition within ten days from date. Reply, if any, thereto be filed by the writ petitioner within three days thereafter.

The parties will be at liberty to request the learned Single Judge for disposing of the writ petition as expeditiously as the business of the Court may permit.

We have not gone into the merits of the writ petitioner's case or the case of the appellants or the merits of the order under challenge. The learned Judge

is requested to decide the writ petition in the manner that the learned Judge may deem fit and proper.

A prayer is made on behalf of the appellants for release of their remuneration as they say that they are in dire financial state. The appellants may make such prayer before the learned Single Judge.

Since we have not called for affidavits, the allegations in the stay petition are deemed not to be admitted by the respondents.

MAT No.326 of 2022 stands disposed of along with IA CAN 1 of 2022.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after compliance with all the necessary formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)