

Item No. 9

02.08.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 7462 of 2021
Bhaskar Das Gupta
v.
The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee
Mr. Sandipan Das
Mr. Sushovan Dey
... for the petitioner.

Mr. Susovan Sengupta
Mr. Manas Kumar Sadhu
... for the State respondents.

The petitioner claims to be a contractual employee (seasonal worker) of the Khardah Municipality.

According to the petitioner, he was terminated by the Chairman of the Khardah Municipality in June 2019 without giving any opportunity of hearing or any opportunity to defend himself. He approached before the Deputy Labour Commissioner in August 2019. The petitioner has annexed a communication dated September 4, 2019 made by the Deputy Labour Commissioner to the Executive Officer of the Khardah Municipality wherein the Municipality has been requested to submit written statement with regard to the complaint filed by the petitioner alleging illegal retrenchment.

The petitioner submits that a meeting was conducted by the Deputy Labour Commissioner in December 2019 and in February 2021. Thereafter, the matter has not been proceeded as yet.

According to the petitioner, the termination is absolutely illegal and arbitrary.

It appears from the documents annexed to the writ petition that the petitioner is not a permanent employee of the Municipality. He was engaged as a seasonal worker by the Municipality. The Municipality has terminated his service by making certain remarks against him.

The petitioner has already approached the Labour Commissioner for redressal. The Assistant Labour Commissioner already fixed the matter in the meeting scheduled on February 22, 2021. It will be open for the petitioner to proceed the matter with the Labour Commissioner.

The Assistant Labour Commissioner is directed to conclude the proceeding at the earliest.

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.)