

12. 24.06.2022  
Ct. No.6  
Tanmoy

**F.M.A. 586 of 2022**  
(M.A.T. 555 of 2022)

**Bipad Kumar Mondal & Ors.**  
**-Versus-**  
**The State of West Bengal & Ors.**

**With**  
**IA No: C.A.N. 1 of 2022**

Mr. Pratip Kumar Chatterjee, Adv.,  
Ms. Chittapriya Ghosh, Adv.,  
Ms. Priyanka Saha, Adv.

...for the appellants.

Ms. Sanghamitra Nandy, Adv.,  
Ms. Manika Pandit, Adv.

...for the State respondents.

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

This appeal is directed against an order dated March 10, 2022, whereby the learned Single Judge dismissed W.P.A. 7926 of 2018.

The writ petitioners claim to be engaged in various projects under orders of the Sabhadhipati, Murshidabad Zilla Parishad. They say that they have been working for several years and definitely for more than ten (10) years. They claimed regularization before the learned Single Judge. The learned Judge rejected their prayer observing

that they were not appointed on substantive basis and were not in regular employment. Hence this appeal.

Our attention has been drawn to a Memorandum bearing No. 9008-F(P) dated September 16, 2011, which was issued in supersession of two earlier Memoranda dated April 23, 2010 and December 22, 2010. The said Memorandum has been issued by the Government in aid of security of tenure, appropriate emoluments and certain retiral benefits of employees who have been engaged as casual/daily rated workers for a substantial period. The benefits under the said Memorandum are available to casual/daily rated/contractual workers who have rendered ten (10) years of service continuously with at least 240 days' attendance each year. Such workers have been allowed to remain engaged in the same status and capacity till they attain the age of sixty (60) years. The Memorandum also speaks of the monthly emolument and retiral benefits.

The writ petitioners/appellants say that they are squarely covered by the said Memorandum. It appears that the prayer of the writ petitioners was rejected by the Sabhadhipati, Murshidabad Zilla Parishad by an order dated December 26, 2011 on the basis that they were not engaged in Government departments.

It is true that initially the benefits were made available to workers engaged in Government Departments. However, subsequently by issuing a

Memorandum dated April 7, 2016, the Government has extended the benefit to workers engaged by Zilla Parishads as well.

Accordingly, the claim of the writ petitioners/appellants needs to be revisited by the Sabhadhipati, Murshidabad Zilla Parishad. The appellants are granted liberty to make a fresh comprehensive representation with supporting documents to the Sabhadhipati, Murshidabad Zilla Parishad who is the respondent no.8 herein, within three (3) weeks from date. If such representation is made, the same shall be decided by the respondent no.8 in accordance with law by passing a reasoned order within a period of four (4) weeks from the date of receipt of the representation after giving an opportunity of hearing to any one of the appellants or their authorized representative. The respondent no.8 shall communicate his decision to the appellants within a week from the date of the decision. Needless to say, if the respondent no.8 finds that the claim of the appellants is valid, he shall take necessary steps to ensure that the appellants receive the benefit of the Memorandum dated September 16, 2011 referred to above. The respondent no.8 shall naturally keep in mind the Memorandum dated April 7, 2016 referred to above while taking his decision.

We have not gone into the merits of the appellants' claim. The respondent no.8 shall take an informed decision, in accordance with law.

The order under appeal is set aside.

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

The appeal being F.M.A. 586 of 2022 and the connected application being IA No: C.A.N. 1 of 2022 are accordingly disposed of.

Let urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with all necessary formalities.

**(Rai Chattopadhyay, J.)**

**(Arijit Banerjee, J.)**