

Sl. No.14
14.06.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 7261 of 2022

Debasish Gangopadhyay
Versus
The State of West Bengal & Ors.

Mr. Md. Sarwar Jahan
Mr. Partha Banerjee
Mr. Maidul Islam Kayal

... for the petitioner

Mr. Susanta Pal
Mr. Ananda Dulal Sarkar ... for the State

Mr. Sounak Bhattacharjee
Mr. Chandranath Sarkar
Mr. Sounak Mondal
... for the Asansol Municipal Corporation

The petitioner was appointed and accorded approval in the Group-D post in Kulti Municipality by the order of the Director of Local Body, West Bengal dated 31st August/1st September, 2004.

He was promoted to the post of Works Assistant under the Kulti Municipality by the order of the Chairman of the Municipality on 14th September, 2009.

After merger of the Kulti Municipality with the Asansol Municipal Corporation, he was promoted to the post of Sub Assistant Engineer with immediate effect without any financial benefit at present by the order of the Mayor of the Asansol Municipal Corporation dated 8th November, 2009.

The order of promotion mentioned that the petitioner will be entitled to get financial benefit after getting approval from the Government.

A communication was thereafter made on 27th July, 2021 from the Joint Secretary, Government of West Bengal, Department of Urban Development and Municipal Affairs to the Commissioner of the Asansol Municipal Corporation with regard to the filing up of the post of Sub Assistant Engineer under the Asansol Municipal Corporation.

The Commissioner of the Corporation was requested to furnish certain information/documents details of which were mentioned in the said communication dated 27th July, 2021.

The petitioner happens to be one of the employees of the Asansol Municipal Corporation in respect of whom certain information/documents were sought for from the Commissioner.

The petitioner submits that after July, 2021 the petitioner is not aware as to whether the Asansol Municipal Corporation has taken any steps to reply to the query as made by the Joint Commissioner, Department of Urban Development & Municipal Affairs.

The petitioner submits that approval of his initial promotion in the post of Works Assistant in the year 2009 is pending and approval of his subsequent promotion to the post of Sub Assistant Engineer is also

pending. In the absence of the approval, the petitioner cannot get the financial benefit in respect of the promotion posts.

A representation was made by the petitioner before the Special Secretary of the Urban Development and Municipal Affairs as well as before the Commissioner, Asansol Municipal Corporation in February, 2022.

The petitioner alleges that the said representation has not been taken up for consideration till date.

Learned advocate representing the Asansol Municipal Corporation submits that as the Kulti Municipality came to be merged with the Asansol Municipal Corporation, records in respect of all the employees are not readily available. Time has been sought for taking necessary steps in the matter.

It has also been submitted that financial benefit may be given to the petitioner only after approval is received from the State Government.

On perusal of the representation that has been filed by the petitioner, it appears that the same is not a comprehensive one.

In view of the above, the instant writ petition is disposed of by granting liberty to the petitioner to submit a comprehensive representation supported by necessary documents in respect of his prayer before the

Principal Secretary, Department of Urban Development and Municipal Affairs.

In the event such a representation is made, the same shall be considered by the Principal Secretary, strictly in accordance with law, after giving an opportunity of hearing to the petitioner as well as the representative of the Asansol Municipal Corporation and thereafter a decision be taken, at the earliest.

Necessary steps shall be taken to redress the grievances of the petitioner by considering his representation within a period of four months from the date of submitting the representation to be filed by the petitioner.

The aforesaid respondent shall pass a reasoned order and communicate the same to the parties immediately thereafter.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)