

Sl. No.15
14.06.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 7276 of 2022

Parthendu Mondal
Versus
The State of West Bengal & Ors.

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

... for the petitioner

Mr. Rajarshi Basu
Mr. Parikshit Goswami

... for the State

Mr. Sounak Bhattacharjee
Mr. Chandranath Sarkar
Mr. Sounak Mondal

... for the Asansol Municipal Corporation

The petitioner was appointed as Work Assistant by the Chairman, Kulti-Barakar Notified Area Authority on 28th June, 1986.

He was promoted to the post of Overseer by the Vice chairman of Kulti-Barakar Notified Authority on 13th January, 1990 with effect from 1st February, 1990. The service of the petitioner as Overseer was approved by the Director of Local Bodies on 12th June, 2006.

Prior to the approval of the service of the petitioner in the post of Overseer, he was promoted to the post of Sub Assistant Engineer by the Chairman of the Kulti-Barakar Municipality on 1st October, 2005.

The petitioner is getting salary in the post of Sub Assistant Engineer.

The petitioner was thereafter promoted to the post of Assistant Engineer with immediate effect by the order of the Mayor, Asansol Municipal Corporation dated 3rd May, 2017.

His grievance is that after the Kulti Municipality got merged with the Asansol Municipal Corporation his service in the post of Sub Assistant Engineer has not been approved as yet and he is getting the salary in accordance with the post of Sub Assistant Engineer even though he has been promoted to the post of Assistant Engineer on 3rd May, 2017.

According to the letter of promotion dated 3rd May, 2017 the petitioner was entitled to get his financial benefit as admissible to the Assistant Engineer after getting approval from the Municipal Affairs Department, Government of West Bengal.

By a communication dated 13th December, 2021 the Additional Secretary, Urban Development and Municipal Affairs Department, requested the Commissioner of the Asansol Municipal Corporation to re-submit the proposal duly furnishing the required information (Point wise) as well as other necessary papers as supported in the guidelines issued under the department No.208-UDMA-25011(11)/90/2021/LSG SEC dated 21st September, 2021 so as to enable the

department to proceed smoothly with the matter of filling up the post of Assistant Engineer in the Asansol Municipal Corporation.

The petitioner made a representation before the Mayor, Commissioner, Secretary and the Board of Councillors of the Asansol Municipal Corporation praying for approval of his service in the post of Assistant Engineer on 21st February, 2022. His grievance is that the same has not been considered till date.

Learned advocate representing the Asansol Municipal Corporation submits that necessary step in the matter is required to be taken at the end of the State Government for granting approval and financial benefit to the petitioner.

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.)