

Ct. 15.12
No. 14 2022
16
akb

W.P.A. 8703 of 2022
Kalyan Ghosh & Anr.
-Versus-
State of West Bengal & Ors.

Mr. Arunava Banerjee
Ms. Mamata Dutta
Mr. Sk. Qareeb
Ms. S. Mandi

...For the Petitioner

Mr. N. Ghosh Dostidar

...For the Respondents

Writ petitioner No.1 Kalyan Ghosh and Writ petitioner No.2 Sangita Ghosh (Saha) were engaged as part time instructor of Hooghly Institute of Technology, Hooghly on 22nd February, 2006 and on 2nd February, 2007 respectively. They were engaged for such post as they were duly qualified for the post. They were selected for the post as per the extant Rules. Since their engagement as instructor of the Institute they have been engaged in various duties of the College like that of a regular employee of the Institute. But, they are deprived of the regular pay package as admissible to the regular employees. Seeking equal pay for equal work as discharged by the regular employees the writ petitioners made representations on 7th February, 2022 making appeal to the Director of Technical Education & Training, West Bengal, Vocational Training Institute, New Town, Kolkata to grant pay package to them as admissible to the regular employees, but to no effect. Hence, the petitioners have approached this Court by filing the writ petition seeking reliefs as made in the writ petition.

Learned Counsel appearing for the petitioners by referring to a decision in the case of *State of Punjab & Ors. Vs. Jagjit Singh and Ors.*, reported in (2017) 1 SCC 148 submits that the Hon'ble Apex Court has held that the temporary employees performing the same duties like regular

employees is entitled to get minimum pay scale of regular employees.

Learned Counsel appearing for the State respondents submits that the petitioners were engaged as part time instructor of the Institute. If the decision rendered by the Hon'ble Apex Court in *Jagjit Singh and Ors. (Supra)* covers the case of the petitioners, the Court may consider accordingly.

What I find, the representations dated 7th February, 2022 made by the petitioners to the concerned authority have not yet been considered and disposed of.

Having heard the learned Counsels appearing for the parties, on consideration of the materials placed on record and in view of the decision in *Jagjit Singh and Ors. (Supra)* I think that the writ petition may be disposed of by passing the following order.

The respondent No. 2, Director of Technical Education and Training, West Bengal, Vocational Training Institute, Kolkata – 700156 is directed to consider and dispose of the representations dated 7th February, 2022 of the petitioners by a reasoned order bearing in mind the decision in the case of *State of Punjab & Ors. Vs. Jagjit Singh and Ors.*, reported in (2017) 1 SCC 148 and after giving opportunity of hearing to the petitioners within a period of six weeks from the date of communication of this order.

Once the Order is made the Respondent No. 2 shall communicate the Order to the petitioners within seven days from the date of passing the Order.

With the aforesaid direction the writ petition is disposed of.

Since, no affidavit-in-opposition has been invited the allegations made in the writ petition are deemed to have not been admitted by the respondents.

There will be no order as to costs.

All parties may act on the server copies of this order duly downloaded from the official *website* of this Court.

Urgent photostat copy of the order, if applied for, be supplied to the appellant on priority basis on compliance of necessary formalities, on priority basis.

(*Rabindranath Samanta, J.*)