

03
20.06.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 9692 of 2022

**Pradip Sarkar & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Arindam Dutta,
Mr. Probal Sarkar,
Ms. Sk. Kiron.
...For the Petitioners.**

**Mr. Arindam Das,
Ms. Rumeli Sarkar,
...For the Municipality.**

The writ petition has been filed by nine petitioners by depositing only one Court fees.

Leave is granted to the learned advocate-on-record of the petitioners to deposit the deficit Court fees in respect of eight petitioners in course of the day, failing which the order passed herein below will be restricted only in respect of the petitioner No. 1 and the writ petition shall be deemed to have been dismissed in respect of the others.

The petitioners claim themselves to be the employees of Berhampore Municipality. They seek regularization in service.

Pursuant to the order passed by this Court, the matter was taken up for consideration by the Municipality and by an order dated 29th November,

2019, the Executive Officer of the Berhampore Municipality was directed by the Administrator of the Berhampore Municipality to send the proposal of regularization of the petitioners along with all available office records in support of the proposal to the Director of Local Bodies for taking a decision in the matter.

It has been submitted by the learned advocates for both the parties that the matter is presently pending consideration before the Director of Local Bodies for passing the final order.

The petitioners allege that on and from April 2022, their salaries are not being disbursed in their favour.

It is the further allegation that steps are being taken to strike off their names from the rolls of the Municipality.

Learned advocate appearing for the Municipality does not have any instruction in the matter.

It has been admitted by both the parties that the matter is presently pending before the Director of Local Bodies.

As it appears that the matter is pending consideration before the Director of Local Bodies, accordingly, the Chairman of the Municipality is directed to ensure that the petitioners are permitted to join service, in the event there is no formal order to strike off their names from the rolls of the Municipality.

The Municipality is restrained from taking any coercive steps against the petitioners till a final decision is taken in the matter by the Director of Local Bodies.

The Municipality is also directed to ensure payment to the petitioners, provided the petitioners rendered service for the period for which they have allegedly not been paid by the Municipality.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)