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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 13164 of 2022

Smt. Kabita Roy & Ors.
Vs.
The State of West Bengal & Ors.

Mr. N. C. Bihani,
Mrs. P. B. Bihani,
Mr. Soumyajit Ghosh,
Mr. Soumya Mukherjee,
Ms. Kshitij Singh
.... For the petitioner.

Mr. Swapan Kumar Dutta, Ld. AGP,
Mr. Rajat Dutta
... For the State.

Mr. Ajit Kumar Chaubey
... For the respondent no.5.

Affidavit of service filed in Court today is taken on record.

Three petitioners have joined to pursue their cause in a single writ petition.

The petitioners are directed to pay the deficit Court fees by 8th August, 2022, failing which the writ petition will be deemed to have been filed only by the petitioner no.1. Upon paying the deficit Court fees the learned Advocate for the petitioner shall inform the learned Advocate for the respondents about the same with the filing number.

The petitioners are all retired Librarians of different Non-Government Colleges, the petitioners are seeking

benefits of leave encashment to which they say to be entitled at the time of retirement. The petitioners say that similarly circumstanced Librarians have been given the benefit of leave encashment but the same has not been extended to the petitioners. The petitioners have made several representations but the issue raised therein remained undecided which has compelled the petitioners to file the instant writ petition.

After hearing the parties and considering the materials on record, I find that the writ petition can be decided either by directing the authority concerned to decide on the issues raised by the petitioners or by hearing out the writ petition after calling for affidavits so that all facts and figures are available before the Court.

After further hearing the parties, I find that justice will be sub-served if I direct the respondent no.2, being the Principal Secretary, Government of West Bengal, Higher Education Department, to decide on the issues as to the entitlement of leave encashment claimed by each of the petitioners by disposing of the issues by a common reasoned order if it can be done in such manner or by three separate orders considering all facts and figures after affording the petitioners a reasonable opportunity of hearing within a period of three months from the date of communication of a server copy of this order downloaded from the official website of this Court.

The respondent no.2, shall be entitled to call for necessary documents from the petitioners for the purpose of adjudicating the issues and shall be free to take an independent decision, in accordance with law, without being any way influenced by the observations made in this order.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, allegation made in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of necessary formalities.

(Arindam Mukherjee, J.)