

02.03.2022
Sl. No.7
srm

W.P.A. No. 18060 of 2021
With
CAN 1 of 2021
Kuntal Bhattacharjee & Ors.
Versus
The State of West Bengal & Ors.

Mr. Arunava Ghosh,
Mr. Puspall Chakraborty,
Mr. Prasanka Ganguly

...for the Petitioners.

Mr. Mrityunjoy Goswami,
Mr. Parikshit Goswami

...for the Madhyamgram Municipality.

Mr. Lalit Mohan Mahata,
Mr. Swapan Pal

...for the State-respondents.

Affidavit of service is taken on record.

The petitioners submit that pursuant to an advertisement published by the Madhyamgram Municipality, the petitioners were engaged on contractual basis. Such engagement was made against the post of Tax Collecting Sarkar. Some petitioners were engaged in 1999. Some of them were engaged in 2000 and one of the petitioners was engaged in 2008. The petitioner No.5 was engaged on contractual basis, but under the died-in-harness category on July 7, 2006.

It is submitted that the petitioners are continuing to serve, uninterruptedly. The petitioner No.3 has since retired on February 28, 2022. The petitioners pray that their engagement must be regularised.

Mr. Mrityunjoy Goswami, learned Advocate appearing on behalf of the Madhyamgram Municipality, submits that the petitioners were engaged on commission basis and they did not have any right to claim regularisation. According to him, the right of regularisation is not a vested right. Mr. Goswami submits that the letter of appointment contained a clause that the petitioners should not pray for regularisation. The petitioners accepted such terms and conditions of service, with their eyes open.

It appears that the petitioners have made representations before the municipal authorities.

Having heard the disputes raised herein, this Court is of the opinion that the competent authority of the Madhyamgram Municipality must dispose of the representation of the petitioners in accordance with law, upon hearing a representative of the petitioners and any other interested person involved in the dispute. The petitioners will be entitled to be represented by their learned Advocate, at the time of hearing. The petitioners will be entitled to rely on documents in support of their contentions

and also rely on decisions of this Court and also of the Hon'ble Apex Court in support of their cases. A reasoned order shall be passed and communicated to all concerned.

The petitioner No.5, although engaged in a different capacity, shall also be heard along with the other petitioners, as their causes of action are similar.

The entire exercise shall be completed within a period of four months from the date of communication of this order.

This writ petition is, thus, disposed of.

In view of disposal of the writ petition, the connected application has become infructuous and the same is disposed of accordingly.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)