

16. 20.04.2022
BD Ct.15

W.P.A. 13948 of 2012

Susanta Banerjee & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Subhrangsu Panda

... for the petitioners.

Mr. Amritlal Chatterjee

... for the State.

Petitioners are claiming to be contractual Pharmacists who are working for 10 years or more and all the petitioners jointly have approached this Court by filing the present writ petition claiming extension of benefits in terms of Memorandum dated 16th September, 2011 being No. 9008-F(P) of the Finance Department, Government of West Bengal. While placing case attention of this Court has been drawn to decision of O.S.D. & Ex- Officio Deputy Secretary to the Government of West Bengal, being respondent no. 3, as contained in letter dated 26th December, 2011 whereby the claim of the petitioner for obtaining benefit under the said memo dated 16th September, 2011 has been spurned. Petitioners have prayed for reconsideration of their claims based on such memo dated 16th September, 2011 in view of the fact that the said decision of the respondent no. 3,

is cryptic one and in support of the same no reasons have been assigned while turning down the claim of the petitioners.

State respondents are represented by Mr. Amritlal Chatterjee, learned advocate, who has defended the decision of the respondent no. 3 and has submitted that the benefits as claimed by the petitioners in terms of the memo dated 16th September, 2011 cannot be extended to them.

This Court has heard learned advocates representing the parties and it appears that the decision of the respondent no. 3 as contained in letter dated 26th December, 2011 is devoid of any reasons. The respondent no. 3 has failed to apply his mind as to why the benefit of Government Order dated 16th September, 2011 are not applicable in the case of the petitioners.

Accordingly, the said letter dated 26th December, 2011 of the respondent no. 3 is set aside and matter is remanded to the said respondent no. 3 to take decision denovo on the claim of the petitioners which is based on memo dated 16th September, 2011 and to pass a reasoned order within a period of twelve weeks from the date of communication of this order. Before taking such decision respondent no. 3 shall be required to grant

opportunity of hearing to the petitioners or one representative of the petitioners. It is further made clear that respondent no. 3 is required to take decision not being influenced by his previous decision as contained in letter dated 26th December, 2011.

With the above direction and observation the writ petition stands disposed of. However, there shall be no order as to costs.

Since the petitioner no. 6, has left the job as submitted by Mr. Panda, learned advocate, representing the petitioners the respondent no. 3 is not required to take decision on entitlement of the petitioner no. 6 to get the benefit as claimed.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)