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21.09.2022
(PP)
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 20560 of 2022

Subrata Barman
Vs.
Union of India & Ors.

Ms. Minal Palana
.... For the petitioner.
Mr. Pulakesh Bajpayee
... For the respondents.

Affidavit of service filed in Court today be retained with the records.

The writ petitioner is a constable working under the Central Industrial Security Force (in short, "CISF").

Ms. Palana, learned counsel, appearing on behalf of the writ petitioner submits that despite working for 12 hours a day, the writ petitioner was only paid for 8 hours and, therefore, was entitled to get extra monetary benefit. Furthermore, the writ petitioner was also not getting the benefit of a weekly day off.

Attention of the Court is drawn to various circulars issued by the Government from time to time. By a Circular dated July 26, 2011, the duties of the force personnel were directed to be divided into core duty points and non-core points. Deployments of core duty points were restricted to 8 hourly basis whereas deployment for non-core points could be up to 12 hours. By CISF Circular No.49/2011 dated November 3, 2011, it

was recommended by the Inspector General, Directorate General, CISF, Ministry of Home Affairs that the 12 hours duty should immediately be shifted to 8 hours on the exigency basis and the personnel should be given rest on rotation. Thereafter, by a circular dated July 20, 2017 issued by the Joint Secretary to the Government of India, Ministry of Finance, Department of Expenditure, it was recommended that a separate allowance was payable to the eligible employees based on the recommendation of the Seventh Central Pay Commission for extra work.

Based on the aforesaid circulars, the writ petitioner has made his representation on July 19, 2022 before the Senior Commandant, ECL, Sheetalpur, West Bengal for consideration of extra work allowance since he has been rendering more than 12 hours duty and his weekly days off were not granted. Furthermore, in the said representation, he has also prayed for extra allowance for carrying on his duty on government holidays.

Mr. Bajpayee, learned counsel, appears on behalf of the respondent authorities and does not dispute the circulars in issue.

In the circumstances aforesaid, let the representation dated July 19, 2022 be considered by the respondent no.4/Senior Commandant, CISF, ECL, Seetalpur, District – Paschim Burdwan.

Such representation will be considered in the light of the circulars dated July 26, 2011, November 3, 2011 and July 20, 2017 and a reasoned order be passed by 8 weeks from date. Let such reasoned order be communicated within 2 weeks of passing of the same.

Since no affidavits have been invited in the writ petition, the allegations contained in the writ petition be deemed not to have been admitted by the parties.

With the direction aforesaid, the writ petition, being **WPA 20560 of 2022**, is **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)