

g.b.  
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07.07.  
2022  
Ct. No.24

WPA 18996 of 2019

**Smt. Kamli Devi**  
**Vs.**  
**State of West Bengal & Ors.**

**Mr. Dipak Chowdhury**  
**.....For the Petitioner**  
**Mr. Fazlul Haque**  
**Mr. Jayanta Kr. Dhar**  
**.....For the K. M. C.**

None appears on behalf of the Kolkata Municipal Corporation despite service.

Affidavit of service filed in Court is taken on record.

The Court requests Mr. Fazlul Haque, learned advocate who is present in Court and usually appears on behalf of the Kolkata Municipal Corporation before this Court to enter appearance on behalf of KMC. The Corporation is directed to regularize his engagement.

The petitioner was an employee of KMC. Her service was terminated with immediate effect by an order passed by the Head of the Department – A. D. (SWN) Borough I, KMC on 19<sup>th</sup> June, 2003. The petitioner accepted the order of termination without raising any objection.

The order of termination mentions that termination will not be a bar for appointment of the 'A' panel nominee of the petitioner and the

termination will also not be a bar for considering the pension case of the petitioner as per the DCRB Regulations as amended from time to time.

The petitioner claims to have made representation before KMC in June, 2019 demanding payment of her pensionary benefit and alleges that the same has not been taken up for consideration till date.

Upon perusal of the documents annexed to the writ petition it appears that there is no proof of service of the alleged representation before KMC.

There is nothing to show that the representation on behalf of the petitioner was at all submitted in the office of KMC.

In view of the above, leave is granted to the petitioner to make a fresh representation before the concerned authority of KMC highlighting her grievance along with supporting documents.

In the event such representation is made, the same shall be considered by the competent authority of the Corporation strictly in accordance with the relevant Rules/Circulars at the earliest, but positively within a period of four months from the date of communication of this order. The respondent authority shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

It is made clear that this Court has not entered into the merits of the case of the petitioner and all points are left open to be decided by the said respondent at the time of consideration of the representation of the petitioner.

The writ petition is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

**(Amrita Sinha, J.)**