

WPA 23077 of 2022

Md. Saidul Islam
-Vs-
State of West Bengal & ors.

Mr. Golam Mostafa
Mr. Subir Sabud
Mr. Samirul Sardar

... for the petitioner

Mr. Himadri Sikhar Chakrbaorty
Mr. Tapan Roy

... for the Respondents

The petitioner worked as a Civic Volunteer from October 11, 2013 with the Inspector-in-charge, Malda Town, Government Railway Police Station, District-Malda. The petitioner stopped attending his duties from April 23, 2014.

Subsequently, the petitioner was demobilised from February 21, 2015. The petitioner made a Representation on November 16, 2020 before the Superintendent of Police, The Government Railway Police, Siliguri through the Respondent No.3 for re-instatement.

The second representation was made on July 9, 2021 before the said authority for reinstatement of the petitioner since he had recovered from his illness and was able to perform his duties without any hindrance.

Mr. Mostafa, Learned Counsel, appearing on behalf of the petitioner, submits that the petitioner's

Representation dated November 16, 2020 and July 9, 2021 should be considered by the Respondent No.3 since the petitioner fell ill while serving as a Civil Volunteer and such circumstances were beyond his control.

Mr. Chakraborty, Learned Counsel, appearing on behalf of the respondents, submits that the said post of Railway Civil Police could not be kept vacant indefinitely as it was a sensitive post and had to be filled up immediately upon the demobilisation of the petitioner in 2015 as and when exigency arose.

Having heard the rival submissions of the parties and considering the materials placed on record, this Court finds that the writ petitioner worked for a short span of time between October 11, 2013 to April 23, 2014. Even after the demobilisation of the petitioner on February 21, 2015 no representation was made by him before the respondents concerned till November, 2020. The said post of Civic Volunteer could not be kept vacant indefinitely for the petitioner.

The petitioner has approached this Court at a belated stage in 2022. Furthermore, the petitioner was not in a permanent service but was engaged as a Civic Volunteer as and when exigencies arose.

In the light of the discussions above, **WPA 23077 of 2022** is **dismissed** without any order as to

costs.

Needless to mention that in the event the petitioner makes fresh representation before the respondents concerned, the same may be considered by them in accordance with law.

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

The Supplementary Affidavit filed in Court today on behalf of the petitioner is retained with the records.

All parties to act on a server copy of this order duly obtained from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Lapita Banerji, J.)